EXHIBIT 2-B

Redacted Version of

Document Sought to be Sealed

HIGHLY CONFIDENTIAL

```
 1              UNITED STATES DISTRICT COURT

 2             NORTHERN DISTRICT OF CALIFORNIA

 3

    IN RE:  FACEBOOK, INC.,      MDL No. 2843

 4  CONSUMER USER PROFILE        Case No.

    LITIGATION                   18-md-02843-VC-JSC

 5  _____

 6  This document relates to:

 7  ALL ACTIONS

 8

    _____

 9

10              **HIGHLY CONFIDENTIAL**

11

12      ZOOM DEPOSITION OF FACEBOOK's 30(b)(6)

13      CORPORATE REPRESENTATIVE - MICHAEL FAHEY

14  (Reported Remotely via Video & Web Videoconference)

15   Steamboat Springs, Colorado (Deponent's location)

16              Thursday, July 21, 2022

17                    Volume 1

18

19

20

    STENOGRAPHICALLY REPORTED BY:

21  REBECCA L. ROMANO, RPR, CSR, CCR

    California CSR No. 12546

22  Nevada CCR No. 827

    Oregon CSR No. 20-0466

23  Washington CCR No. 3491

24  JOB NO. 5300517

25  PAGES 1 - 113
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HIGHLY CONFIDENTIAL

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

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     IN RE: FACEBOOK, INC.,   MDL No. 2843

4   CONSUMER USER PROFILE   Case No.

     LITIGATION   18-md-02843-VC-JSC

5   _____

6   This document relates to:

7   ALL ACTIONS

8

     _____

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15   DEPOSITION OF MICHAEL FAHEY, taken on

16   behalf of the Plaintiffs, with the deponent located

17   in Steamboat Springs, Colorado, commencing at

18   10:19 a.m., Thursday, July 21, 2022, remotely

19   reported via Video & Web videoconference before

20   REBECCA L. ROMANO, a Certified Shorthand Reporter,

21   Certified Court Reporter, Registered Professional

22   Reporter.

23

24

25

                                                Page 2

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 1              APPEARANCES OF COUNSEL

 2    (All parties appearing via Web videoconference)

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22   ALSO PRESENT:

23        Francine Bendat, Associate General Counsel,

24   Meta Platforms

25        John Macdonell, Videographer
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 1                       I N D E X

 2    DEPONENT                              EXAMINATION

 3    MICHAEL FAHEY                              PAGE

      VOLUME 1

 4

 5                     BY MR. GOULD                 12

 6

 7

 8                    E X H I B I T S

 9    NUMBER                                     PAGE

10                      DESCRIPTION

11    Exhibit 619  Native Excel Spreadsheet,       19

12                 FB-CA-MDL-03959476;

13

14    Exhibit 620  Native Excel Spreadsheet,       25

15                 FB-CA-MDL-03959477;

16

17    Exhibit 621  Native Excel Spreadsheet,       45

18                 FB-CA-MDL-03962689;

19

20    Exhibit 622  Native Excel Spreadsheet,       56

21                 FB-CA-MDL-03962690;

22

23    Exhibit 623  Native Excel Spreadsheet        61

24                 FB-CA-MDL-03962691;

25    /////
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 1              E X H I B I T S(cont'd)

 2    NUMBER                                        PAGE

 3                    DESCRIPTION

 4    Exhibit 624  Native Excel Spreadsheet          63

 5                 FB-CA-MDL-03970356;

 6

 7    Exhibit 625  Native Excel Spreadsheet,         67

 8                 FB-CA-MDL-03962693;

 9

10    Exhibit 626  Native Excel Spreadsheet,         70

11                 FB-CA-MDL-03962694;

12

13    Exhibit 627  Native Excel Spreadsheet,         73

14                 FB-CA-MDL-03962695;

15

16

17                 PREVIOUSLY MARKED EXHIBITS

18    NUMBER                                        PAGE

19    Exhibit 330                                     13

20

21

22

23

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25    /////
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 1              Steamboat Springs, Colorado;                09:04:04

 2                  Thursday, July 21, 2022

 3                       10:19 a.m.

 4                       ---o0o---

 5

 6           THE VIDEOGRAPHER:  Okay.  We're on the

 7    record.  It's 10:19 a.m. Mountain Time on

 8    July 21st, 2022.

 9           This is the deposition of Michael Fahey.

10    We're here in the matter of Facebook Consumer         10:19:39

11    Privacy User Profile Litigation.

12           I'm John Macdonell, the videographer,

13    with Veritext.

14           Before the reporter swears the witness,

15    would counsel please identify themselves, beginning   10:19:51

16    with the noticing attorney, please.

17           MR. GOULD:  For the plaintiffs and the

18    proposed class, Benjamin Gould with

19    Keller Rohrback.

20           And with me today is Chris Springer, also      10:20:03

21    of Keller Rohrback.

22           MR. SCHWING:  Austin Schwing,

23    Gibson, Dunn & Crutcher for the defendant.

24           I am joined by Cassarah Chu,

25    Kelly Herbert, Shaquille Grant, Rose Ring.            10:20:23
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HIGHLY CONFIDENTIAL

1	Francine Bendat, who is with Meta.	10:20:26
2	Michael McQueeney, Felisha Miles.	
3	I also note that there's a video one and	
4	a video two showing on our screen. Is -- that's	
5	related to the court reporter?	10:20:40
6	THE VIDEOGRAPHER: That -- that's me, the	
7	videographer.	
8	MR. SCHWING: Okay.	
9	THE VIDEOGRAPHER: Just capturing	
10	devices, yeah.	10:20:45
11	MR. SCHWING: Okay. Thank you.	
12	SPECIAL MASTER GARRIE: And	
13	Special Master Garrie here on behalf of the Court.	
14	THE COURT REPORTER: At this time, I will	
15	ask counsel to agree on the record that there is no	10:20:54
16	objection to this deposition officer administering	
17	a binding oath to the deponent via remote	
18	videoconference, starting with the noticing	
19	attorney, please.	
20	MR. GOULD: No objection.	10:21:11
21	MR. SCHWING: No objection.	
22	THE COURT REPORTER: Mr. Fahey, If you	
23	could raise your right hand for me, please.	
24	THE DEPONENT: (Complies.)	
25	THE COURT REPORTER: You do solemnly	10:21:14

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 1    state, under penalty of perjury, that the testimony        10:21:14

 2    you are about to give in this deposition shall be

 3    the truth, the whole truth and nothing but the

 4    truth?

 5              THE DEPONENT:  I do.                              10:21:14

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25    /////                                                      10:21:14
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1	MICHAEL FAHEY,	10:21:32
2	having been administered an oath, was examined and	
3	testified as follows:	
4		
5	EXAMINATION	10:21:32
6	BY MR. GOULD:	
7	Q. Good morning, Mr. Fahey.	
8	My name is Benjamin Gould, and I'll be	
9	taking your deposition today. Try to get through	
10	this as quickly as possible.	10:21:44
11	Just a few ground rules. You know it's	
12	important that we not talk over each so we have a	
13	clean record. If you don't understand a question,	
14	please let me know.	
15	I will probably be asking you -- and	10:21:58
16	this -- I told other witnesses this in this case --	
17	you know, at times I'll be asking you like what	
18	seem like insanely stupid questions.	
19	But I don't mean that to like insult your	
20	intelligence. This is sort of just what we have to	10:22:14
21	do in the law to -- to -- to establish facts and --	
22	and things like that.	
23	So I wanted you to be prepared for that	
24	just so you don't feel like insulted or surprised,	
25	or whatever.	10:22:28

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 1              I wanted -- now I think we should start      10:22:28

 2    with previously marked Exhibit 330.

 3         Q.   (By Mr. Gould)  If you could call that up

 4    on your Exhibit Share screen, Mr. Fahey, and go to

 5    the very bottom, when you're there, of page 14.        10:22:43

 6              Let me know when you're there.

 7         A.   I'm there.

 8         Q.   Okay.  So topic 9a reads "Video content

 9    and information relating to video content,

10    requested or obtained, available to or accessed,       10:23:04

11    interacted with, or shared by users on or via the"

12    platform -- "Facebook Platform, specifically:

13    A. The amount of such content and how the amount of

14    such content has changed or varied over time."

15              You understand that you are testifying on    10:23:24

16    behalf of Facebook about subtopic a, the -- the --

17    the words that are right next to that -- to that

18    little a there, yes?

19         A.   Yes, I do.

20         Q.   Okay.  And is there any portion of that      10:23:37

21    subtopic that is unclear to you?

22         A.   No, I don't believe so.

23         Q.   Okay.  And so you're -- you realize

24    you're testifying on behalf of Facebook, yes?

25              You're not testifying in your individual     10:23:55
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Page 13

1	capacity?	10:23:57
2	A. If by Facebook you mean Meta, yes, I do.	
3	Q. Thank you. Thank you for the correction,	
4	yes.	
5	And do you understand that your testimony	10:24:08
6	is intended here to cover the time period	
7	January 1, 2007, to the present, unless we are	
8	specifying some other range?	
9	A. Yes.	
10	Q. Okay. Obviously, that is a long period	10:24:34
11	and a lot of -- has happened to the artist formally	
12	known as Facebook, now Meta. So I will try to be	
13	as specific in my questioning as I can. If I'm	
14	not, I hope you will point out that the -- the time	
15	period about which you are talking specifically.	10:24:57
16	So what did you do to prepare for this	
17	deposition?	
18	A. I spoke with a handful of people on the	
19	topic. I reviewed a set of press releases, and I	
20	also looked at a set of charts.	10:25:17
21	Q. And were some of the people you spoke	
22	with former or current Meta employees?	
23	A. I only spoke with current Meta employees.	
24	Q. Okay. Would you -- would you mind,	
25	because I'm going to -- I'm -- I'm going to slip	10:25:39

Page 14

1	otherwise.	10:25:45
2	Would you mind if we just referred to	
3	Meta as Facebook for the purposes of this	
4	deposition?	
5	A. I -- I have no issues with that. The	10:25:52
6	only reason why I clarified is I have a role within	
7	the company where my role is actually attached to	
8	what is now called Facebook, and I did not want to	
9	get that confused.	
10	Q. Do you mean what is now called Meta?	10:26:06
11	A. Yeah. So there's the company which is	
12	Meta --	
13	Q. Got it.	
14	A. -- and then within the company is	
15	Facebook. And because the business unit I am	10:26:13
16	within is Facebook, I did not want there to be	
17	confusion at a future point in time.	
18	Q. Okay. Great.	
19	Like I said, I will just refer to	
20	everything that's under the umbrella of Meta as	10:26:30
21	Facebook, unless I tell you otherwise.	
22	Who -- excuse me -- which current	
23	employees of Facebook did you speak with?	
24	A. I spoke with a gentleman named	
25	Cayman Simpson. Another gentle- -- gentleman named	10:26:53

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1	Yondy Kang. I spoke with Amanda Yin. Fan Wu.	10:26:57
2	Shweta Metkar (phonetic). And Maggie Gee.	
3	Q. And you're aware we provided documents to	
4	your counsel at Gibson Dunn in advance of this	
5	deposition?	10:27:18
6	A. Yes, I'm aware.	
7	Q. And did you -- did you personally review	
8	any of those documents in -- in advance of this	
9	deposition?	
10	A. Yes.	10:27:28
11	Q. Okay. Do you remember which ones?	
12	A. I do not. I -- I scanned through all of	
13	them and really reviewed them to make sure that	
14	they related to the topic at hand.	
15	Q. Okay. We can probably move on here.	10:27:42
16	What is your current position at	
17	Facebook?	
18	A. I support data engineering for Facebook	
19	application within -- within Facebook.	
20	Q. And what is data engineering?	10:28:08
21	A. Data engineering is the team responsible	
22	for measuring what happens on the application and	
23	taking that measurement and putting it into systems	
24	for the purpose of product analytics.	
25	Q. How long have you been in that position?	10:28:32

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1	A. Four and a half years.	10:28:36
2	Q. Wow. Okay.	
3	And before that were you in any position	
4	related to the measuring of what goes on, on the	
5	Facebook Platform?	10:28:52
6	A. No.	
7	Q. Okay. What was your -- let's just start	
8	here.	
9	What was your immediately prior position	
10	to the position you have now?	10:29:00
11	A. The immediately prior position was data	
12	engineering also. But supporting the sales and	
13	marketing team --	
14	Q. Okay.	
15	A. -- at Facebook.	10:29:12
16	Q. And what were like the approximate dates	
17	that you held that position?	
18	A. Approximately October 2014 to -- I'm	
19	going to get the math wrong here -- January of	
20	200- -- I'm going to say 2018, but I often get it	10:29:35
21	confused. It's either 2018 or 2017.	
22	Q. You have had, though, a position within	
23	data engineering at Facebook since 2014, yes?	
24	A. That's correct.	
25	Q. Okay. And then before the position that	10:29:47

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 1    we just spoke about, that you started in 2014, what        10:29:51

 2    position did you hold before that?

 3           A.   I was a principal in a consulting firm.

 4               MR. GOULD:  Okay.  Fabulous.  Okay.

 5    Thanks.                                                     10:30:05

 6               Okay.  Chris, let's go to Bates

 7    number -9476.

 8               MR. SPRINGER:  One moment, please.

 9               MR. GOULD:  Of course.

10               MR. SCHWING:  Mr. Fahey, I'll let you in         10:30:32

11    on a tip for the document share --

12               THE DEPONENT:  Yes.

13               MR. SCHWING:  -- which is, a lot of times

14    the documents, when they get loaded, they don't

15    immediately show up.  And so if you click the              10:30:45

16    refresh button within your browser, sometimes the

17    documents will -- will appear.

18               THE DEPONENT:  Gotcha.  Okay.  I'm

19    still -- at this point, I'm still waiting.  I still

20    just see Exhibit 330.                                      10:30:58

21               MR. GOULD:  Yeah, me, too.  I think

22    Mr. Springer will let us know.

23               And, Mr. Springer, again, when you have

24    time -- I know you're uploading one document now --

25    if you could also upload Bates number -9477, that          10:31:15
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1	would be great.	10:31:26
2	(Exhibit 619 was marked for	
3	identification by the court reporter and is	
4	attached hereto.)	
5	MR. SPRINGER: Got it.	10:31:31
6	The first document has been introduced as	
7	Exhibit 619.	
8	Q. (By Mr. Gould) Okay. So that should be	
9	showing up, and let me know when it's up for you,	
10	Mr. Fahey.	10:31:46
11	A. I have it up.	
12	Q. Okay. Fabulous.	
13	And did you review this document in	
14	advance of this deposition?	
15	A. I did.	10:31:52
16	Q. Okay. Let -- let me just ask you a	
17	couple of preliminary questions just so -- because	
18	I don't want to waste your or anyone's time.	
19	Are you prepared today to testify about	
20	what drove changes in these numbers?	10:32:05
21	MR. SCHWING: Object to form.	
22	THE DEPONENT: When you say "drove	
23	changes," I -- I wouldn't necessarily know exactly	
24	what you mean there. Could you --	
25	Q. (By Mr. Gould) Sure. Of course.	10:32:29

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1	A. -- be a little bit more specific.	10:32:31
2	Q. Fair to say that a lot of the numbers	
3	we're going to be talking about today, numbers that	
4	you reviewed in advance of this deposition, went up	
5	and down, yes?	10:32:42
6	A. Yes, the numbers changed.	
7	Q. Those are the kinds of changes I am	
8	talking about.	
9	And by "drive," I just am talking about	
10	what caused them to go up and down.	10:32:55
11	Does that clarify sufficiently for you	
12	what I'm talking about?	
13	MR. SCHWING: Object to form.	
14	Q. (By Mr. Gould) All I'm asking is whether	
15	you understand what I mean. That's all.	10:33:08
16	A. I understand what you mean by drive, yes.	
17	Q. Okay. Great.	
18	So -- and, again, this is so that we're	
19	not wasting time.	
20	Are you prepared today to testify about	10:33:21
21	what drove changes in the numbers we're going to be	
22	talking about today?	
23	MR. SCHWING: Object to form.	
24	THE DEPONENT: I feel comfortable talking	
25	about the numbers as they're presented. My area of	10:33:37

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1	expertise is not product strategy or -- or anything	10:33:42
2	else --	
3	Q. (By Mr. Gould) Okay.	
4	A. -- that might -- might have had -- had an	
5	impact on how the numbers changed.	10:33:52
6	MR. GOULD: That is super helpful.	
7	That's great.	
8	I just wanted to say, for the record,	
9	that -- that Mr. -- Mr. Schwing, we'll expect that	
10	the -- the witness designated to testify on	10:34:01
11	subtopic c will be able to testify on what drove	
12	changes in the numbers.	
13	Q. (By Mr. Gould) I want to direct your	
14	attention, Mr. Fahey, again to the -- to the	
15	spreadsheet that's open here.	10:34:18
16	Are -- are you prepared to testify about	
17	the resources that Facebook devotes to keeping	
18	track of this data?	
19	MR. SCHWING: Object to form.	
20	THE DEPONENT: Again, what I -- what I	10:34:46
21	prepared for was to talk about the numbers.	
22	Q. (By Mr. Gould) In other words, you're	
23	prepared -- oh, sorry. Go ahead.	
24	A. No, please, go ahead.	
25	Q. In other words, you're prepared to talk	10:34:58

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1	about the numbers themselves?	10:34:59
2	A. Correct.	
3	Q. And not the resources that Facebook	
4	devotes to keeping track of those numbers?	
5	MR. SCHWING: Object -- object to form.	10:35:14
6	THE DEPONENT: I think when you say	
7	resources to keep track of, I think that's --	
8	that's a very broad topic and --	
9	Q. (By Mr. Gould) Sure.	
10	A. -- I would not be the person to talk to	10:35:27
11	about the resources because I just wouldn't be able	
12	to speculate or guess.	
13	MR. GOULD: Great. Okay. Super helpful.	
14	Again, Mr. Schwing, just for the record,	
15	I will expect that the witness designated to	10:35:40
16	testify on subtopic c will be prepared to testify	
17	about -- about that.	
18	MR. SCHWING: Well, let -- let me pause	
19	here to -- if we could, to just make sure that we	
20	have some clarity.	10:35:53
21	I think the Special Master indicated	
22	earlier it's helpful if we talk about, you know,	
23	which -- which witness will cover what.	
24	Mr. Fahey, I believe, can speak to,	
25	you know, the -- the -- the infrastructure that's	10:36:04

Page 22

1	used to store the -- you know, and -- and track	10:36:08
2	this information.	
3	And, you know -- you know, what -- what	
4	the tables are or where it's -- where the things	
5	are stored, and I think perhaps what you were	10:36:21
6	asking related to that. So Mr. Fahey would be the	
7	right person to ask --	
8	MR. GOULD: Fabulous.	
9	MR. SCHWING: -- that question.	
10	MR. GOULD: Thank you, Mr. Schwing.	10:36:32
11	MR. SCHWING: I -- I think there may have	
12	been just some confusion about what -- what it is	
13	you were after.	
14	Q. (By Mr. Gould) Okay. Again, let's --	
15	let's go back to this -- to this spreadsheet here.	10:36:39
16	Fair to say that this spreadsheet --	
17	MR. GOULD: Mr. Springer, can you remind	
18	me what the exhibit number for this is.	
19	MR. SPRINGER: 619.	
20	Q. (By Mr. Gould) Okay. I'll just refer to	10:37:01
21	it as Exhibit 619, Mr. Fahey.	
22	Exhibit 619 -- it has two columns, yes?	
23	A. Yes.	
24	Q. One appears to be for years, correct?	
25	A. Yes.	10:37:16

Page 23

1   Q.   And then the second column is titled   10:37:16

2   "video_sends," correct?

3   A.   Correct.

4   Q.   Okay. And the information in the

5   "video_sends" column, what is that information?   10:37:26

6   A.   That represents the total number of

7   videos directly uploaded to Messenger and -- by a

8   uploader in aggregate for the given year.

9   Q.   And correct me if I'm wrong here, but

10   Messenger is Facebook's direct messaging app; is   10:37:57

11   that correct?

12   A.   Messenger is a messaging app within --

13   within Meta -- within Facebook, and it can be used

14   for direct messaging.

15   Q.   So what I'm wondering is whether these --   10:38:24

16   well, let me step back.

17   It's possible, I assume, to upload videos

18   to the Facebook Platform other than using

19   Messenger; is that correct?

20   A.   Yes.   10:38:49

21   Q.   So I presume then that the data shown in

22   the "video_sends" column in this exhibit does not

23   include videos uploaded other than via the

24   Facebook Messenger app?

25   A.   This data is video uploaded via the   10:39:14

                                                            Page 24

```
 1    Facebook Messenger app only.                    10:39:18

 2         Q.   In -- only.

 3         A.   Right.

 4         Q.   Okay.  Great.

 5              And does this include videos uploaded by   10:39:26

 6    all Facebook users, both in the US and the rest of

 7    the world?

 8         A.   This is 619, -9476 -- this is a US-only

 9    subset.

10         Q.   Right.  Right.  I should have directed    10:39:49

11    your attention to the metadata there because that's

12    how I read the title of the -- of the -- of the

13    file, yes.

14              Okay.  Great.

15         A.   No.  That's quite all right.             10:39:59

16              MR. GOULD:  Let's go on to the next

17    exhibit, which I presume is marked 620.

18              (Exhibit 620 was marked for

19    identification by the court reporter and is

20    attached hereto.)                                 10:40:05

21              MR. GOULD:  Let me see here.  Yeah.

22         Q.   (By Mr. Gould)  And let me know when you

23    have that up.

24         A.   It's up right now, yes.

25         Q.   Fabulous.  Okay.                        10:40:24
```

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1	This document, Exhibit 620, did you	10:40:30
2	review it in preparation for this deposition?	
3	A. Yes, I did.	
4	Q. And just to clarify, both this exhibit	
5	and the previous exhibit, these were prepared by	10:40:39
6	Facebook employees.	
7	They were -- these documents were created	
8	by Facebook employees, I assume?	
9	A. I was not directly involved in the	
10	creation of the documents. So I would only be	10:40:55
11	speculating as to who -- who created them or how	
12	they were created.	
13	Q. They were created, though, by somebody at	
14	Facebook, yes?	
15	A. They would have to have been, yes.	10:41:07
16	Q. Okay. Fabulous.	
17	Any reason to think that the data in	
18	these spreadsheets is -- doesn't reflect the actual	
19	data that Facebook has?	
20	A. No.	10:41:21
21	Q. Okay. Fabulous. That's what I'm	
22	wondering.	
23	So again, in this exhibit, there appears	
24	to be two columns, correct?	
25	A. Correct.	10:41:34

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```
 1        Q.    Column A is for years, correct?           10:41:35

 2        A.    Correct.

 3        Q.    Column B is for "video_sends," correct?

 4        A.    "Video_sends," the way we described it

 5   for the prior exhibit, yes.                          10:41:49

 6        Q.    Right.  So it represents the same thing

 7   but for Facebook users in the rest of the world?

 8        A.    My understanding is this file is Facebook

 9   users worldwide.  Therefore, it would actually

10   encompass the US.                                    10:42:07

11        Q.    Got it.

12              And what are the criteria that Facebook

13   uses to determine, for purposes of this

14   spreadsheet, whether somebody is a US user?

15        A.    That's an excellent question.             10:42:28

16              There's a number of factors that go in,

17   the most important of which are going to be your IT

18   address and your self-disclosed location.

19        Q.    And what if those two points of data

20   conflict?                                            10:42:44

21        A.    I wouldn't be able to speak to the actual

22   algorithm that resolves to the predicted location.

23   But my understanding is, again, that it's -- it's

24   primarily those two characteristics.

25        Q.    And criteria for a user that's outside    10:43:00
```

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| 1 | the US, again, I presume it would be based | 10:43:06 |

2   principally on IP address and disclosed geographic

3   location?

4   A.   That is correct.

5   Q.   Okay. And do you feel comfortable saying   10:43:20

6   that the algorithm results in an accurate portrayal

7   of whether a given Facebook user is a US user?

8   MR. SCHWING: Object to form.

9   THE DEPONENT: That's actually not my

10   area of expertise. So -- so I wouldn't -- I   10:43:49

11   wouldn't be comfortable, you know, really

12   speculating in that area at all.

13   Q.   (By Mr. Gould) Who at Facebook do you

14   think would know that question -- the answer to

15   that question?   10:44:02

16   A.   I honestly would not know.

17   Q.   Okay. Are you familiar with how these

18   documents -- well, excuse me.

19   Are you familiar with the general process

20   for how these documents, this spreadsheet and the   10:44:26

21   previous one were created?

22   A.   I am.

23   Q.   And how -- can you describe that process

24   for me.

25   ████ ██████████████████████████   10:44:43

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1

10:46:47

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```
 1   ███████████████████████                    10:46:49

 2        Q.   And can you describe the reasonability

 3   criteria for me?

 4        A.   So when I said "reasonability," maybe

 5   that's a bit of a colloquialism or -- but a simple    10:47:05

 6   example might be that if you look at a video and

 7   you say that the duration of a video is, say, three

 8   years long, that's -- would not probably be

 9   reasonable from a average person's standpoint.

10        And so you would say, okay, that might be        10:47:35

11   the number, but that's not a reasonable number.

12   And so you would need to then address that or call

13   that out.

14        Q.   Fair to say then by -- that by

15   reasonability, you sort of mean vetting these          10:47:49

16   numbers against common sense; is that a fair

17   description?

18             MR. SCHWING:  Object to form.

19             THE DEPONENT:  Yeah.  Again, I -- I --

20   I'd hesitate to put a label on it and that's why      10:48:05

21   I -- you know, maybe using casual language here is

22   problematic.  I would just go back to the way I

23   explained it.  I don't know that I'd be comfortable

24   summarizing it.

25        Q.   (By Mr. Gould)  And here I'm just trying     10:48:23
```

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1	to make sure I understand.	10:48:25
2	Is -- is a fair description of it, this	
3	process, just a process by which certain numbers	
4	are analyzed for whether they seem to be	
5	reasonable, given the surrounding circumstances?	10:48:53
6	A. The -- the purpose of the process is to	
7	be able to produce a number that is typically only	
8	ever used internally and to produce it in a way	
9	that it can be shared externally.	
10	Q. And does Facebook rely on the numbers	10:49:24
11	produced through this process to make decisions?	
12	MR. SCHWING: It's vague.	
13	THE DEPONENT: Would you maybe --	
14	Q. (By Mr. Gould) Sure.	
15	A. Yeah.	10:49:44
16	Q. Here's another way of asking it. I'm	
17	sorry.	
18	Would you characterize the numbers that	
19	are produced through this process as reliable?	
20	MR. SCHWING: Object to form.	10:49:55
21	THE DEPONENT: I would -- I would	
22	characterize these numbers as the numbers that we	
23	produced from our internal systems and counts of	
24	what we have in terms of "video_sends."	
25	Q. (By Mr. Gould) And is the purpose of	10:50:19

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```
 1    that process to produce -- is a purpose of that        10:50:22

 2    process to produce numbers that can be relied upon

 3    by whomever Facebook is disclosing them to?

 4             MR. SCHWING:  Vague.

 5             THE DEPONENT:  So I'm getting stuck on          10:50:54

 6    the word "relied upon" -- or the phrase "relied

 7    upon."

 8             Maybe you could give me a more

 9    specific --

10        Q.   (By Mr. Gould)  Sure.                          10:51:04

11        A.   -- with what would be Meta.

12        Q.   In Facebook's day-to-day business,

13    insofar as it consults the kind of numbers we'll be

14    talking about today -- and by "we'll be talking

15    about today," I mean the numbers on the              10:51:21

16    spreadsheets that you reviewed in advance of this

17    deposition.

18             In its day-to-day business, when Facebook

19    is reviewing those sorts of numbers, is it the case

20    that Facebook generally treats those numbers as      10:51:41

21    accurately reflective of reality?

22             MR. SCHWING:  Object to form.

23             THE DEPONENT:  I think I understand what

24    you're saying.

25             If -- "accurately reflective of reality,"    10:52:08
```

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1	do you mean do we look at those numbers with the	10:52:17
2	idea that they reflect counts within the -- within	
3	the application?	
4	Q. (By Mr. Gould) Accurately reflect	
5	counts, yes.	10:52:32
6	A. I'm sorry. What was the word right	
7	before --	
8	Q. Accurately reflect counts?	
9	A. Yeah, I understand.	
10	Okay. So I think we're -- when you say	10:52:39
11	"accurate" or "reliable," the hesitation you get in	
12	my voice is that with these types of numbers and	
13	with the system that we -- we work on, those	
14	numbers can change over time, such that "accurate"	
15	is based on where you are at a point in time.	10:53:09
16	And so I'm -- I hesitate to say -- use	
17	the phrase "accurate" in -- in some sort of	
18	definitive way.	
19	Q. How do -- how do the numbers -- by	
20	"numbers changing over time," what do you mean?	10:53:24
21	A. So if you imagine that I were counting	
22	"video_sends" at a global level, and what I might	
23	have today is five sends. And there were a set of	
24	sends made in some other place in the world and	
25	there's five more out there, but those don't get to	10:54:04

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1	me until tomorrow, So as of today, if you asked me	10:54:07
2	how many "video_sends" there were, I would say	
3	there was five. If you asked me in about 24 hours,	
4	I might say that there were more.	
5	Q. I see.	10:54:24
6	Then perhaps a better way of answering my	
7	question then would be to say -- or to ask you, the	
8	numbers we're talking -- we're going to be talking	
9	about today -- and, again, I mean by "numbers," the	
10	numbers you reviewed in advance of this	10:54:42
11	deposition -- would you say that it's fair to say	
12	that -- that those numbers reflect the -- the best	
13	picture of what is actually going on, on the	
14	Facebook Platform, that Facebook can produce at the	
15	time it actually produces those numbers?	10:55:07
16	MR. SCHWING: Object to form.	
17	THE DEPONENT: There are probably more	
18	caveats that I would add to -- to what you just	
19	said, but I think that the way you caveated the --	
20	caveated the -- the idea, I think you have the --	10:55:31
21	the general idea.	
22	Q. (By Mr. Gould) Forgive me --	
23	A. For sure.	
24	Q. -- but what are the caveats you would add	
25	to what I just said?	10:55:42

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1   A.   So I would qualify the word "best." I   10:55:49

2   would qualify the word "available," right.

3   We have a system that we pull these

4   numbers from to produce these numbers. The system

5   and the people that are going through the process   10:56:11

6   of gen- -- generating these numbers, there can be

7   any number of factors that can affect the number

8   when it's -- when it's pulled.

9   That said, it -- it is the number we're

10   able to pull at the time we -- we go to make --   10:56:30

11   we make -- we make the pull.

12   Q.   Would you say that when Facebook produces

13   these numbers, Facebook is trying to produce the

14   best practicable picture of what is actually going

15   on at the Facebook -- on the Facebook Platform at   10:57:11

16   the time these numbers are produced?

17   MR. SCHWING: Vague.

18   THE DEPONENT: I would say the

19   number we're -- the numbers we're looking at are

20   the numbers we were able to produce using the   10:57:32

21   process I described at the time that we went to

22   produce the numbers.

23   Q.   (By Mr. Gould) And would you

24   characterize that process as a careful one?

25   A.   I don't know that I would again get into,   10:57:56

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1	you know, a word like -- like "careful" or not.	10:58:01
2	I -- I'm not sure what you mean there.	
3	Q. Okay. Well, here, let me look up the	
4	definition of "careful."	
5	Okay. By "careful," in this context, I	10:58:39
6	mean characterized by an effort to avoid errors or	
7	omissions.	
8	Okay?	
9	A. (Deponent nods head.)	
10	Q. Okay. Under that definition of careful,	10:58:52
11	would you characterize the process that Facebook	
12	uses to produce these numbers as careful?	
13	A. I would characterize the process as	
14	absolutely having an effort to avoid errors and	
15	omissions.	10:59:14
16	Q. Great.	
17	And I will use the term -- and I don't	
18	know if it's the correct technical term. But I	
19	will use the term "raw data" to mean the data on	
20	which these produced numbers are based.	10:59:33
21	Do you at least understand sort of what	
22	I'm getting at by that term?	
23	A. I do.	
24	Q. Okay. Fabulous.	
25	Would you say that when Facebook produces	10:59:53

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1	these numbers, it does so from a set of raw data	11:00:03
2	that it selects in such a way as to minimize errors	
3	and omissions?	
4	MR. SCHWING: Object to form.	
5	THE DEPONENT: So I think what you're	11:00:30
6	asking me is, what is the system or the process	
7	that --	
8	Q. (By Mr. Gould) Let's start there.	
9	A. -- that's taking place?	
10	Q. Let's start there.	11:00:42
11	A. So there is a process to put the raw data	
12	in a place where it can then be analyzed or	
13	aggregated. And then there is a second process	
14	that then builds a number like this that we're	
15	looking at here today off of that raw data.	11:01:09
16	Q. Okay. And so it sounds to me like there	
17	are essentially two parts to the -- to the raw data	
18	that goes into these numbers.	
19	One is the collection -- the first part	
20	is the collection and storage of that raw data,	11:01:41
21	yes?	
22	A. Yes.	
23	Q. And then the second is the retrieval and	
24	use of that raw data to produce these numbers; is	
25	that fair?	11:01:54

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1   A.   Yes, it's fair.   11:01:56

2   Q.   Okay. Would you say that in Facebook's

3   collection and storage of the raw data, it makes an

4   effort to avoid errors and omissions?

5   A.   Yes.   11:02:14

6   Q.   And would you say that in the retrieval

7   and use of that raw data, it makes an effort to

8   avoid errors and omissions?

9   A.   Yes.

10   Q.   Okay. Would you say, as a general   11:02:27

11   matter, that in the production of numbers of the

12   kind we're going to be talking about today, it is

13   important to Facebook to avoid errors and

14   omissions?

15   MR. SCHWING: Objection. Vague.   11:02:52

16   THE DEPONENT: I will say that it was

17   important, as I was going through these documents,

18   to ensure that if there were errors or omissions,

19   that I understood what those would be.

20   Q.   (By Mr. Gould) Okay. What potential   11:03:25

21   errors and omissions might characterize the two

22   spreadsheets we've seen today already?

23   MR. SCHWING: Objection. Vague.

24   I -- I don't want to -- it's -- it's

25   compound, Ben.   11:03:54

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1	Do you want to take them like one at a	11:03:56
2	time? I just -- I want to make sure he can answer.	
3	MR. GOULD: Okay.	
4	Q. (By Mr. Gould) What errors or omissions	
5	might numbers that purport to show "video_sends"	11:04:07
6	suffer from, Mr. Fahey?	
7	A. So we're looking at -9477 now, correct,	
8	620; is that right?	
9	Q. Yeah. Let's start there.	
10	A. Based on my review, I -- I wouldn't be	11:04:32
11	able to speak to any errors or omissions that I	
12	would be able to discern.	
13	Q. Fair to say that you have carefully	
14	reviewed these numbers and you are not able to	
15	discern any errors and omissions in them?	11:04:47
16	A. Correct.	
17	Q. Okay. Fabulous.	
18	Let's go back -- I believe we were just	
19	talking about Exhibit 620, yes?	
20	A. I think so.	11:05:01
21	Q. Okay. Let's go back to 619.	
22	A. Okay.	
23	Q. You carefully reviewed those numbers,	
24	correct?	
25	A. Yes.	11:05:11

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1	Q. And were you able to discern any errors	11:05:11
2	and omissions therein?	
3	A. I was not.	
4	MR. GOULD: Chris, I would like you to	
5	upload a whole bunch of files here. Let's start	11:05:26
6	with -2689.	
7	MR. SPRINGER: Okay.	
8	MR. GOULD: And do you see where -- where	
9	I am, Chris?	
10	MR. SPRINGER: Yes.	11:05:46
11	MR. SCHWING: Ben- --	
12	MR. GOULD: So I want you to -- to --	
13	to --	
14	MR. SCHWING: Ben- -- Benjamin, can I	
15	interrupt you for just -- I'm sorry -- for just one	11:05:50
16	second.	
17	While you're loading up a bunch of stuff,	
18	can we just take like a three-minute break. I have	
19	to let a contractor into my backyard --	
20	MR. GOULD: Yeah, absolutely.	11:05:57
21	MR. SCHWING: Just five -- maybe five	
22	minutes and we can -- we'll break away and then	
23	we'll --	
24	MR. GOULD: Yeah. That would actually be	
25	helpful. Thank you.	11:06:03

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```
 1              MR. SCHWING:  Sorry -- sorry about that.      11:06:05

 2     Thank you.  Appreciate it.

 3              Let's go to the breakout room.

 4              THE VIDEOGRAPHER:  Okay.  We're off the

 5     record.  It's 11:06 a.m.                              11:06:09

 6              (Recess taken.)

 7              THE VIDEOGRAPHER:  We're back on the

 8     record.  It's 11:13 a.m.

 9         Q.   (By Mr. Gould)  Let me go back briefly to

10     the two spreadsheets we have talked about earlier     11:13:50

11     in this deposition, Exhibits 619 and 620.

12              They both showed -- they both had a

13     column for a data point titled "video_sends,"

14     correct?

15         A.   Correct.                                     11:14:14

16         Q.   And those refer to videos uploaded via

17     Facebook Messenger, correct?

18         A.   Correct.

19         Q.   If I am a Facebook user and I upload a

20     video I took of my kids to my Facebook profile, I'm   11:14:24

21     not uploading it via Facebook Messenger, am I?

22         A.   No, you're uploading it via Facebook.

23         Q.   Okay.  If I am live streaming playing

24     Call of Duty, I'm not doing that using Facebook

25     Messenger, am I?                                      11:14:51
```

1	A. No.	11:14:56
2	Q. Okay. If I'm an advertiser and I	
3	advertise using video, that video isn't uploaded	
4	via Facebook Messenger, is it?	
5	A. No.	11:15:15
6	Q. Okay. All right. I have -- I have a	
7	whole bunch of other ones to go through. But...	
8	I'm actually just trying to get -- get my	
9	head around like the proper nomenclature.	
10	You said that if I'm a Facebook user and	11:15:36
11	I'm uploading a video to my profile, I'd be	
12	uploading it via the Facebook Platform; is that	
13	correct?	
14	A. That is the -- that is the verbiage that	
15	I tend to use.	11:15:50
16	Q. Okay.	
17	A. I think -- I -- I -- maybe to help you a	
18	little bit. We have Facebook as an application.	
19	We also have Messenger as a separate application.	
20	So if you think about it on your, say, phone or	11:16:02
21	your device, you're going to see two separate	
22	applications.	
23	Q. Got it.	
24	A. So whatever you're uploading through,	
25	you're in the Messenger application or you're in	11:16:12

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1   the Facebook application.   11:16:15

2   Q.   Got it. I see.

3   And organizations or groups that have

4   Facebook pages, if they were to upload a video to

5   that page, they're not uploading it via   11:16:25

6   Facebook Messenger, right?

7   A.   No.

8   Q.   They're uploading it via the

9   Facebook Platform?

10   A.   They have a few ways to upload.   11:16:36

11   Q.   How -- what -- what are those ways?

12   A.   Creator Studio would be more than likely

13   the most prominent. But there are also ways to

14   upload videos directly to your page without going

15   through Creator Studio.   11:16:53

16   Q.   Is Creator Studio another -- another

17   Facebook app?

18   A.   I would consider it part of the

19   Facebook Platform. But when you get into app,

20   right, that's very much like a concept you would   11:17:15

21   see on a phone or an iPad, or whatever. So it is

22   an aspect of the Facebook Platform, I think, is --

23   is a better way to think of it.

24   Q.   Got it.

25   Okay. Again, I want to make sure that I   11:17:26

                                                         Page 43

```
 1    get everything correct.                        11:17:31

 2            Can you think of -- so we've -- we've

 3    spoken about uploading videos via

 4    Facebook Messenger.  We've spoken about uploading

 5    videos using the Facebook Platform, including by    11:17:45

 6    this Creator Studio -- is that the correct -- or

 7    studio creator?

 8        A.   Creator Studio.

 9        Q.   Creator Studio.  Okay.

10            Are there other ways to upload video that    11:17:58

11    you know of to Facebook?

12        A.   I'd be guessing, if I was going to

13    speculate beyond what I just said.

14        Q.   Okay.  Okay.  Fair.

15            We'll get to that with another designee.    11:18:10

16            And do you know how Facebook delivers

17    video ads on behalf of advertisers?

18            MR. SCHWING:  Object to scope.

19            THE DEPONENT:  So the -- really the topic

20    that I prepared for was the metrics and the         11:18:41

21    numbers.  So I don't -- I don't know that I could

22    get into any of that.

23            MR. GOULD:  Okay.  Okay.  We'll cover

24    that with -- planning on covering that just -- I

25    want to state, for the record, with another         11:18:50
```

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1	designee.	11:18:54
2	Q. (By Mr. Gould) Okay. So let's go to	
3	Exhibit 621, Mr. Fahey.	
4	A. All right.	
5	Q. Let me know when you have that open.	11:19:06
6	A. Yup.	
7	Q. Fabulous.	
8	So in the columns --	
9	MR. SCHWING: Mr. Gould, just before you	
10	get to the next question, you said "another	11:19:11
11	designee."	
12	I just want to be clear we've identified	
13	that advertising questions should be directed to	
14	the advertising designees that we put forward as of	
15	those two -- the two witnesses over the next couple	11:19:19
16	days. But you and I can chat about that further.	
17	MR. GOULD: I understand that to be your	
18	concern.	
19	MR. SCHWING: Okay.	
20	(Exhibit 621 was marked for	11:19:27
21	identification by the court reporter and is	
22	attached hereto.)	
23	Q. (By Mr. Gould) So let -- so what --	
24	let's see here. This is 621.	
25	Okay. This spreadsheet that's been	11:19:35

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```
 1    marked as Exhibit 621, the -- I'm going to go        11:19:37

 2    through the columns here, Mr. Fahey.

 3              The first column is for "year," correct?

 4        A.   Correct.

 5        Q.   The next one is for "video_state_type,"      11:19:51

 6    correct?

 7        A.   Correct.

 8        Q.   And by "video_state_type," what is meant?

 9        A.   So I think the -- maybe instead of saying

10    what's meant, I could describe the -- the values --   11:20:20

11        Q.   Sure.

12        A.   -- that are in the column.

13        Q.   What -- what are -- what is captured,

14    yes.

15        A.   Yeah.                                         11:20:29

16              So "all_video" would be all videos

17    uploaded to the platform for that year.

18              "Is_live_streaming" would be a video --

19    you had mentioned an example of if live

20    streaming -- I -- live streaming a -- a child's       11:20:48

21    basketball game or soccer game, or something like

22    that, right.  So when you're streaming that, it's

23    going to be counted as live streaming.  If you

24    choose to then save it, as the person who is

25    streaming, it switches from being                     11:21:09
```

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1   "is_live_streaming" to being "was_live_streaming."   11:21:11

2   And if you had actually just recorded

3   that entire video on your phone and then uploaded

4   it, that would be "vod."

5   Q.   Which stands for video on demand?   11:21:25

6   A.   Correct.

7   Q.   Okay. That's super helpful. Thank you.

8   The next column, column C, is for -- is

9   "country," correct?

10   A.   Correct.   11:21:40

11   Q.   And the two possibilities of values for

12   that are US and rest of world, correct?

13   A.   Correct.

14   Q.   And rest of world just means everybody

15   outside of the US?   11:21:51

16   A.   It means not US based on predicted

17   location, like we talked about earlier --

18   Q.   Got it.

19   A.   -- for the other sheet.

20   Q.   The next column is "watch_hours,"   11:22:02

21   correct?

22   A.   Correct.

23   Q.   Okay. And what does that capture?

24   A.   That captures for all videos -- let's

25   just use that as an example. That captures for a   11:22:24

```
 1   given year or a given video state for a given        11:22:26

 2   country, total number of hours spent by people

 3   watching videos in that scene.

 4        Q.   So it does not capture the duration of

 5   the video, correct?                                  11:22:53

 6        A.   That's correct.

 7        Q.   Rather, it captures the aggregate amount

 8   of time that users that watch the video watch the

 9   video?

10        A.   Correct.                                   11:23:09

11        Q.   Okay.  Does this include videos available

12   only through third-party apps?

13             MR. SCHWING:  Object to form.

14             THE DEPONENT:  I -- I would not be able

15   to speculate on anything related to -- to           11:23:30

16   third-party apps.

17             This is all videos that we have.

18        Q.   (By Mr. Gould)  And by "all videos that

19   we have," what do you mean?

20        A.   Facebook.                                  11:23:48

21        Q.   And so --

22        A.   Facebook Platform, Facebook app.  So this

23   is "watch_hours" spent watching video on Facebook.

24        Q.   If I'm a Facebook user, I have a -- and I

25   have, say, a Hulu app that is integrated into        11:24:01
```

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1	Facebook, and I go and watch Modern Family on Hulu,	11:24:07
2	would that be captured by this metric?	
3	MR. SCHWING: Vague.	
4	THE DEPONENT: So you're asking me what	
5	information about activity on Hulu would be	11:24:38
6	captured in this number?	
7	Q. (By Mr. Gould) Right.	
8	A. That's not something I could -- I could	
9	speak to because it's not really part of the	
10	process.	11:24:54
11	Q. Got it.	
12	So in other words, hours spent by	
13	Facebook users watching videos on Hulu are not part	
14	of the "watch_hours" captured here, right?	
15	A. Can you say that question again, please.	11:25:10
16	Q. Sure. Sure. Be happy to.	
17	Hours spent by Facebook users watching	
18	videos on Hulu are not included in the	
19	"watch_hours" captured here in this column; is that	
20	correct?	11:25:30
21	A. These are "watch_hours" spent by Facebook	
22	users watching video on Facebook.	
23	Q. And videos on Hulu are not on Facebook,	
24	correct?	
25	A. That -- that gets into --	11:25:51

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1	Q. Let me ask it differently. Sorry.	11:25:55
2	If I'm watching a video on Facebook, I'm	
3	not watching it on -- or excuse me.	
4	If I'm watching a video on Hulu, I'm not	
5	watching it on Facebook, right?	11:26:03
6	A. Again, you're -- you're asking me to	
7	speculate on how Hulu works, and I -- I just	
8	couldn't speak to that.	
9	Q. Do you know who would be able to speak to	
10	that?	11:26:16
11	A. Honestly --	
12	MR. SCHWING: Sorry. Just give me a	
13	second.	
14	The question is vague.	
15	Q. (By Mr. Gould) When I asked you "hours	11:26:41
16	spent by Facebook users watching videos on Hulu are	
17	not included in the 'watch_hours' captured here in	
18	the column; is that correct," you answered "These	
19	are 'watch_hours' spent by Facebook users watching	
20	video on Facebook."	11:26:54
21	By "These are 'watch_hours' spent by	
22	Facebook users watching video on Facebook," you	
23	mean "watch_hours" spent by Facebook users watching	
24	only video that is on Facebook, correct?	
25	A. I wouldn't be able to speculate if a	11:27:18

```
 1    video that is on Facebook is published by the        11:27:22

 2    producer somewhere else.

 3          Q.   Sure.

 4               If video content -- let's say

 5    video con- -- a particular piece of video content     11:27:43

 6    is available both on Facebook and on another

 7    platform, can you -- do -- do you understand

 8    what I'm -- what I'm talking about there -- the

 9    kind of situation I'm talking about there?

10               MR. SCHWING:  Vague.                        11:27:58

11          Q.   (By Mr. Gould)  Like, for example, this

12    is what I mean.  A video of the kids -- of a kid's

13    basketball game is both available on Facebook and

14    on YouTube.  That's -- the same video has been

15    uploaded to both platforms.  Let's -- let's say       11:28:14

16    that that is the case.

17               If a Facebook user goes to YouTube and

18    watches that video on YouTube, that would not be

19    captured in the "watch_hours" here, correct?

20          A.   Correct.                                   11:28:35

21          Q.   Okay.  Thank you.

22               Sorry.  I didn't mean to spend too much

23    time on that, but that's very helpful to me.

24               This captures years 2014 through 2019,

25    correct?                                              11:28:54
```

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1	A. Correct.	11:28:58
2	Q. Is data for "watch_hours" available for	
3	before 2014 or after 2019?	
4	MR. SCHWING: Compound.	
5	THE DEPONENT: I'm sorry. Did somebody	11:29:14
6	say something?	
7	MR. SCHWING: I said it's com- --	
8	compound.	
9	Q. (By Mr. Gould) Is data for "watch_hours"	
10	available for before 2014?	11:29:21
11	A. Again, I wasn't involved in how the --	
12	the data was pulled. So all I can speak to is the	
13	data that's on the --	
14	Q. Okay.	
15	A. -- on -- in the spreadsheet.	11:29:37
16	Q. And so similarly, you don't know whether	
17	data for "watch_hours" is available for after 2019,	
18	correct?	
19	A. I wouldn't be able to speculate, no.	
20	Q. Okay. Why does Facebook keep track of	11:29:54
21	"watch_hours"?	
22	MR. SCHWING: Scope. Outside the scope.	
23	Q. (By Mr. Gould) Let me step back then,	
24	Mr. Fahey, because, again, I don't want to waste	
25	anybody's time.	11:30:14

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```
 1        A.   Sure.                                    11:30:15

 2        Q.   You are not prepared to testify today

 3   about why Facebook keeps track of the numbers we're

 4   going to be talking about today, correct?

 5             MR. SCHWING:   Vague.                     11:30:27

 6             THE DEPONENT:   That is correct.  I'm

 7   prepared to talk about the numbers themselves.

 8             MR. GOULD:   Great.  So, again, just for

 9   the record, I'll be expecting your designee for

10   subtopic c to be able to talk about -- to talk       11:30:38

11   about that.

12        Q.   (By Mr. Gould)  So do you know whether

13   Facebook enables video content creators to keep

14   track of "watch_hours"?

15             MR. SCHWING:   I -- I think -- let's pause  11:30:50

16   on that.

17             I do think that the witness can generally

18   speak to the fact that -- you know, that there

19   are -- are metrics and that different kind of

20   general -- you know, kind of use cases, why things    11:30:59

21   are, you know, asked for.  But I think your

22   question was just -- I just want to be helpful,

23   Mr. Gould, in terms of kind of the -- the scope

24   here.

25             MR. GOULD:   Okay.                          11:31:12
```

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```
 1              MR. SCHWING:  You know, specific -- like      11:31:13

 2    it depends what you're asking exactly.  He -- he's

 3    not going to know every metric ever pulled and --

 4    and why and how it was used because it's a giant

 5    business.  But I do think he can generally speak      11:31:21

 6    to the -- the topic.  So I want to -- I want to

 7    pause you there and let you explore that, if you'd

 8    like to.

 9         Q.   (By Mr. Gould)  Okay.  So does Facebook

10    enable video content creators to keep track --        11:31:36

11    track of "watch_hours"?

12         A.   We enable content creators, through

13    Creator Studio, to keep track of a set of metrics.

14    I don't know that it's called "watch_hours" in

15    there.  But there is -- there are metrics related     11:31:51

16    to watch time.

17         Q.   Okay.  And the way that Facebook produces

18    the numbers in the spreadsheet, it involves the

19    processes we talked about earlier on a broad level,

20    correct?                                               11:32:24

21         A.   Correct.

22         Q.   So it involves the collection and storage

23    of raw data, correct?

24         A.   Correct.

25         Q.   Then the retrieval and analysis of that     11:32:36
```

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1	raw data, correct?	11:32:42
2	A. Retrieval and calculation, yeah.	
3	Q. Okay. And would you say that -- that in	
4	Facebook's calculation of "watch_hours," it makes	
5	an effort to avoid errors and omissions?	11:33:01
6	A. Yes.	
7	Q. And your review of the numbers in this	
8	document, have you been able to discern any errors	
9	or omissions?	
10	A. I was not.	11:33:17
11	Q. Okay. Fair to say that there's been a	
12	significant increase in "watch_hours" both in the	
13	US and in the rest of the world from 2014 to 2019?	
14	A. From 2014 to 2019 --	
15	Q. Yeah.	11:33:42
16	A. -- I would -- watch hours has gone up.	
17	Q. Yeah. Significantly?	
18	MR. SCHWING: Objection.	
19	THE DEPONENT: Yeah. I -- I -- I	
20	apologize. I'm very much a numbers person so I'm	11:33:48
21	hesitant to use adverbs and adjectives.	
22	Q. (By Mr. Gould) Sure. Qualitative to	
23	describe the quantitative?	
24	A. Yeah.	
25	MR. GOULD: Got it. Okay. Let's go on	11:33:59

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1	to 622.	11:34:00
2	(Exhibit 622 was marked for	
3	identification by the court reporter and is	
4	attached hereto.)	
5	Q. (By Mr. Gould) Okay. And this is a	11:34:03
6	spreadsheet, correct?	
7	A. Yeah. Bear with me with one second.	
8	Q. Oh, sure. Of course.	
9	A. I got to put the password back in. The	
10	laptop locked up.	11:34:18
11	622. Okay. I have it up.	
12	Q. Got it. Okay.	
13	You reviewed this spreadsheet in advance	
14	of your deposition today, correct?	
15	A. Yes.	11:34:50
16	Q. Okay. There are three columns, correct?	
17	A. Correct.	
18	Q. The first is for "year."	
19	A. Yup.	
20	Q. The second is labeled "total_duration."	11:34:57
21	What does that data point capture?	
22	A. That is aggregated duration of videos and	
23	hours.	
24	Q. And this includes all videos -- well,	
25	excuse me.	11:35:25

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```
 1              What universe of videos is included in        11:35:26

 2    this number?

 3         A.   It is video on demand, published and

 4    available as of midnight of the -- of the day that

 5    we counted it.                                          11:35:42

 6         Q.   So it doesn't include live stream video?

 7         A.   Correct.  It's video on demand.

 8         Q.   And it doesn't include videos that aren't

 9    on the Facebook Platform, right?

10         A.   Correct.                                      11:35:58

11         Q.   Okay.  The next column is "total_videos."

12              What does that capture?

13         A.   The aggregate -- aggregate number of

14    videos published and available as of that night.

15         Q.   And, again, this is total number of          11:36:16

16    videos on demand only, correct?

17         A.   Correct.

18         Q.   On the Facebook Platform only, correct?

19         A.   Correct.  Correct.

20         Q.   Okay.  And the process that is used to        11:36:29

21    create this number -- these numbers, that is,

22    broadly speaking, the same as the process we spoke

23    about earlier, correct?

24         A.   Yes.

25         Q.   Okay.  And do you know whether data for       11:36:41
```

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```
 1    total -- for "total_duration" and "total_videos" is      11:36:52

 2    available for after 2019?

 3        A.   I wouldn't be able to speak to -- to

 4    that.  Again, I'm really only prepared to talk

 5    about what's on the chart.                               11:37:05

 6        Q.   Sure.

 7             And do the numbers here include video on

 8    demand uploaded by both US and rest of world users?

 9        A.   Yes.  My understanding is this is

10    worldwide, not US only.                                  11:37:22

11        Q.   Okay.  Let's go on to -- this is 622.

12    Let's go on to 623.

13        A.   Before we move on -- you know, I just --

14    I wanted to flag something because you had asked me

15    about errors and omissions before.                       11:37:41

16        Q.   Yeah.

17        A.   So if you look at 2016 --

18        Q.   Yes.

19        A.   -- you'll notice that "total_duration" as

20    a number is -- sticks out quite a bit.                   11:37:52

21        Q.   Yes.  Thank you.  Yes.  Thank you.  Yes.

22        A.   I just didn't want you to think I was

23    glossing over that.

24        Q.   No, Mr. Fahey.  Thank you.  Thank you for

25    pointing that out.                                       11:38:08
```

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1   A.   In my -- in my review and prep for this,   11:38:09

2   we found a bug.

3   Q.   Okay.

4   A.   And the bug was in how the raw data was

5   collected.   11:38:16

6   So the correct -- the total video count

7   is correct. But there are a few videos that were

8   mistakenly tagged with a -- via a bug -- with

9   durations that are not reasonable.

10   Again, going back to that reasonable --   11:38:32

11   reasonability discussion we had. So there's a few

12   videos in there that have durations that are

13   unreasonable, and that's what skews the total

14   duration.

15   Q.   And are you able to produce a spreadsheet   11:38:46

16   that doesn't include that bug?

17   A.   Yes, we could.

18   MR. GOULD: Okay. Mr. Schwing --

19   MR. SCHWING: Yes.

20   MR. GOULD: -- I would just respectfully   11:39:04

21   ask that -- that Facebook do so and produce it to

22   us, if it hasn't already.

23   MR. SCHWING: Yeah. And it may be

24   helpful to speak to Mr. Fahey about that. It -- I

25   think it depends on -- I'm -- I'm happy to speak   11:39:16

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```
 1    with you.  I'm not sure it's quite as simple as        11:39:21

 2    just we push a button and it comes out, because

 3    there could be some complexities about what -- what

 4    videos were impacted by the bug.

 5            And you can ask Mr. Fahey more about that      11:39:34

 6    now, if you would like to, but -- or we -- or we

 7    can discuss it later.  Whatever -- whatever makes

 8    sense.  But it's not the kind of thing that I can

 9    just easily do.  I think it may be --

10            (Simultaneously speaking.)                    11:39:46

11            MR. GOULD:  No, I'm not asking you today,

12    by any means.

13            MR. SCHWING:  Well, or even -- it may be

14    difficult later even.  We need to discuss the --

15    the specifics of it because I think it's a little      11:39:54

16    bit of a complex issue.

17            And so if you want to ask Mr. Fahey more

18    about it now, you can, or we can talk about it --

19            MR. GOULD:  Okay.

20            MR. SCHWING:  It's certainly not              11:40:02

21    something we can resolve right now.

22            MR. GOULD:  Sure.  Get it.

23        Q.   (By Mr. Gould)  So Mr. Fahey, on this

24    same spreadsheet, any other errors and omissions

25    that you identified in your review of it, other        11:40:13
```

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1	than the bug we just talked about?	11:40:16
2	A. No.	
3	Q. Okay. And would you say that Facebook,	
4	in producing these numbers, made an effort to avoid	
5	errors and omissions?	11:40:33
6	A. Yes.	
7	MR. GOULD: Okay. So that was 622, I	
8	believe. I think -- yes.	
9	(Exhibit 623 was marked for	
10	identification by the court reporter and is	11:40:47
11	attached hereto.)	
12	MR. GOULD: So let's move on to 623 --	
13	Exhibit 623, Mr. Fahey.	
14	This is Bates number -03962691.	
15	Q. (By Mr. Gould) Mr. Fahey, did you review	11:41:04
16	this document in advance of the deposition today?	
17	A. I did.	
18	Q. So the first column here is "year,"	
19	correct?	
20	A. Correct.	11:41:21
21	Q. And next one is "geography," yeah?	
22	A. Correct.	
23	Q. And the possible values of -- for	
24	geography are US or rest of world, correct?	
25	A. Correct.	11:41:29

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1	Q. And -- and those -- and -- and those have	11:41:30
2	the meaning that we discussed earlier, correct?	
3	A. That is correct.	
4	Q. And then there is a column titled	
5	"metric," correct?	11:41:42
6	A. Yes.	
7	Q. And the possible values are "comment" and	
8	"like," correct?	
9	A. That's correct.	
10	Q. And then the one is "value," and those	11:41:51
11	show numbers.	
12	Let's leave it there for now.	
13	Correct?	
14	A. Yes.	
15	Q. Okay. So what I'm assuming is that the	11:42:03
16	values shown in D are the numbers of comments and	
17	likes on videos for a given year, whether in the US	
18	or in the rest of the world; is that correct?	
19	A. No, that's not correct.	
20	Q. Okay. Then what -- what are those values	11:42:30
21	then, please?	
22	Thank you.	
23	A. Yeah. No, it's -- it's total comments	
24	and total reactions. So "like" is a technical	
25	vestige, so it's reactions.	11:42:41

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1	And it's on all content not just video.	11:42:45
2	Q. All content and not just video. Okay.	
3	Is -- is Facebook able to break down	
4	comments and likes by -- by videos only?	
5	A. That is a very difficult question to	11:43:22
6	answer as yes or no.	
7	Q. Then -- then answer to your best -- the	
8	best of your ability.	
9	A. The way we have our data stored and the	
10	way that the systems are set up, there's no	11:43:37
11	practicable or feasible way to provide that	
12	break- -- breakdown.	
13	MR. GOULD: Okay. Okay. Moving on to	
14	the next exhibit.	
15	(Exhibit 624 was marked for	11:43:59
16	identification by the court reporter and is	
17	attached hereto.)	
18	MR. GOULD: That would be 624, I believe.	
19	And that corresponds to Bates number -- for those	
20	of you following along -- -03970356.	11:44:14
21	Q. (By Mr. Gould) Mr. Fahey, did you review	
22	this document in advance of your deposition today?	
23	A. I did.	
24	Q. Okay. And the following question applies	
25	to both this spreadsheet and the rest of the	11:44:35

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```
 1     spreadsheets that we've seen today.                    11:44:38

 2            These spreadsheets have been created by

 3     Facebook, correct?

 4        A.    Correct.

 5        Q.    Okay.  Thank you.                              11:44:43

 6            Okay.  So there are three columns, it

 7     appears, in this spreadsheet, correct?

 8        A.    Yes.

 9        Q.    The first column is "year"?

10        A.    Yes.                                           11:44:58

11        Q.    The second is "geography"?

12        A.    Yes.

13        Q.    And the possible values again are rest of

14     the world or US, correct?

15        A.    Correct.                                       11:45:07

16        Q.    Okay.  And then the next column is a

17     column titled "pct_video."

18            Can you tell me what that captures?

19        A.    Yes.  That is the percentage of all

20     content on Facebook that is a video.                   11:45:24

21        Q.    And by what metric is that measured?

22            So in other words, is this by -- by

23     metric -- I mean -- I mean things like -- and if --

24     you don't have to answer this question because I'm

25     going to put it in -- in a form that is admissible.    11:45:58
```

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1	But the things that I am -- I am talking	11:46:01
2	about would be things like percentage by -- by size	
3	of like -- so by megabytes or gigabytes or	
4	terabytes, or whatever, right, or percentage by	
5	numbers. Say, if we're counting a video as a post,	11:46:23
6	say, you know, we'd aggregate all posts whether	
7	they involve video or not.	
8	That's the sort of metric I'm talking	
9	about.	
10	What is the metric by which percentage of	11:46:45
11	video content is measured?	
12	MR. SCHWING: I'm going to object to the	
13	form with all the -- the lead-in. But maybe --	
14	just to help you out maybe, Ben, like can -- give a	
15	little explanation. Maybe it's helpful.	11:47:05
16	Do you want to start with a new question	
17	so that he can answer it so I don't have to object	
18	to it.	
19	MR. GOULD: Sure.	
20	MR. SCHWING: Okay.	11:47:11
21	Q. (By Mr. Gould) How does Facebook measure	
22	the percentage of video?	
23	A. So if you look at 2019 US, which is	
24	row 13 in the spreadsheet, and the percentage of	
25	video is .013 and a bunch of other numbers after	11:47:36

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1   that.   11:47:42

2   I think the easiest way to understand

3   that number would be to say that there are 13

4   videos for every 1,000 pieces of content in 2019.

5   Q.   And what are items, that for purposes of   11:48:03

6   this number, are counted as pieces of content?

7   A.   The easiest way to think about in my --

8   there is a more exhaustive taxonomy. But the

9   easiest way to think of it would be to think of

10   text, photos, and videos.   11:48:24

11   Q.   Anything else?

12   A.   Again, I'm sure there are others, but

13   the -- the dominant categories are going to be --

14   and you mentioned this in your example -- posts,

15   right. So if someone makes a post, it's primarily 11:48:40

16   text. Somebody makes a post, it's...

17   Q.   And the denominator then is the total

18   pieces of content available on the

19   Facebook Platform as a whole; is that correct?

20   A.   Correct.   11:48:59

21   Q.   Or posted, or made available on the

22   Facebook Platform for that year, correct?

23   A.   Correct.

24   Q.   Okay. And I take it you don't know

25   whether "pct_video" data is available for before   11:49:24

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1	the year 2014, correct?	11:49:32
2	A. That's correct. I can only speak of --	
3	Q. You don't know whether it's available for	
4	after the year 2019, yeah?	
5	A. That's correct, I do not.	11:49:42
6	MR. GOULD: Moving on to I think -- was	
7	that 624? I think it was.	
8	(Exhibit 625 was marked for	
9	identification by the court reporter and is	
10	attached hereto.)	11:49:48
11	MR. GOULD: So moving on to 625, which is	
12	Bates number -03962693.	
13	Q. (By Mr. Gould) There are two columns	
14	here.	
15	The first is "year," correct?	11:50:07
16	A. Correct.	
17	Q. And then the second is "total_videos,"	
18	correct?	
19	A. Correct.	
20	Q. What does the "total_videos" column	11:50:12
21	capture?	
22	A. This is the -- the live videos. So this	
23	is the count of live videos for the year.	
24	Q. Live streamed videos?	
25	A. I'm going to say live versus live	11:50:28

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1   streamed.   11:50:30

2   Q.   And can you explain the distinction

3   between those two things?

4   A.   So there is a capability in Facebook to

5   go live, if you are recording. Then you say, hey,   11:50:42

6   I want to share what I'm recording.

7   That is a live video that, again, we --

8   we saw this in a prior chart where there was a live

9   streaming -- "is_live_streaming" versus

10   "was_live_streaming." So that's what's counted   11:51:04

11   here.

12   Q.   And a video that is recorded using that

13   live button, it can, after it's recording, be

14   uploaded to the Facebook Platform to be viewed on

15   demand, if the content creator so wishes?   11:51:25

16   A.   If the content creator wishes, they

17   can -- at the conclusion of streaming, they can

18   choose to save. They can choose to share.

19   They can -- they can -- they can choose to put it

20   on the platform.   11:51:47

21   Q.   And does this number include both the US

22   and the rest of the world?

23   A.   Give me one second here.

24   That's correct. This is actually US plus

25   the rest of the world.   11:52:08

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1   Q.   Okay. And, again, you don't know whether   11:52:09

2   data is available for this from before 2016 or

3   after 2019, correct?

4   A.   Correct.

5   Q.   Okay. The way that Facebook gathers this   11:52:17

6   data is, broadly speaking, the same process we've

7   spoken about earlier, correct?

8   A.   Correct.

9   Q.   And Facebook makes an effort to ensure

10   that these numbers -- these total video numbers,   11:52:39

11   are free of errors and omissions, correct?

12   A.   We make an effort, yes.

13   Q.   Okay. And in your review of these

14   numbers, did you discern any errors or omissions?

15   A.   I did not.   11:53:04

16   Q.   Okay. Let's go back to 624.

17   So this is the "pct_video" one, yeah?

18   A.   Okay.

19   Q.   Okay. So similar questions, in producing

20   the numbers in this spreadsheet, Facebook makes an   11:53:23

21   effort to ensure that they do not have errors or

22   omissions, correct?

23   A.   That's correct.

24   Q.   And in reviewing this spreadsheet in

25   advance of this deposition, did you discern any   11:53:39

1	errors or omissions?	11:53:41
2	A. In reviewing this sheet?	
3	Q. This sheet, 624.	
4	A. No.	
5	Q. "No"?	11:53:47
6	A. In reviewing this sheet, no, correct.	
7	MR. GOULD: Let's -- we were just on 625.	
8	So let's move on to 626.	
9	The Bates number here is -03962694.	
10	(Exhibit 626 was marked for	11:54:04
11	identification by the court reporter and is	
12	attached hereto.)	
13	Q. (By Mr. Gould) And did you review this	
14	spreadsheet in advance of the deposition,	
15	Mr. Fahey?	11:54:16
16	A. I did.	
17	Q. And like the other spreadsheets we've	
18	reviewed today, this spreadsheet was produced by	
19	Facebook, correct?	
20	A. Correct.	11:54:27
21	Q. Okay. And this spreadsheet has two	
22	columns, yeah?	
23	The first is "year," right?	
24	A. Yes.	
25	Q. And then the second is titled	11:54:42

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1	"total_duration_hrs," correct?	11:54:43
2	A. Correct.	
3	Q. Which I assume means total duration	
4	hours, yes?	
5	A. That's correct.	11:54:53
6	Q. Okay. And what does the	
7	"total_duration_hrs" column capture?	
8	A. So this is aggregated hours of live	
9	videos. So this is a partner to the sheet we just	
10	went through.	11:55:11
11	Q. And like the sheet we just went through,	
12	this captures only those live videos that were	
13	recorded using the Facebook live function?	
14	A. So record -- I think recorded -- this is	
15	total hours of streamed live videos. I don't -- I	11:55:37
16	wouldn't want to get into recorded or not.	
17	Q. But -- but both this and the immediately	
18	previous spreadsheet show hours of streamed video	
19	on the Facebook Platform, correct?	
20	A. Yup.	11:56:03
21	MR. SCHWING: Object -- object to form.	
22	Just to be helpful, Ben, you just left	
23	out watched. I think it has to be watched. You	
24	just have --	
25	MR. GOULD: Oh, I'm sorry.	11:56:19

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1	Q. (By Mr. Gould) This shows the total	11:56:27
2	duration of -- the total aggregate duration of live	
3	streamed videos watched on the Facebook Platform?	
4	A. No.	
5	Q. No.	11:56:40
6	Okay. What does it show?	
7	A. Okay. This is the total aggregated	
8	duration of all live stream videos. So if you had	
9	ten videos, each one was five minutes long, then	
10	the -- and if -- or if you had ten streams, each	11:56:56
11	one was a five-minute stream, then the number you	
12	would see would be 50 minutes or, you know,	
13	whatever that is --	
14	Q. This -- this number is -- is independent	
15	of however much time Facebook users spend watching	11:57:11
16	these videos, correct?	
17	A. This is not -- this is not any type of	
18	watch time.	
19	MR. SCHWING: Okay. My -- my apologies	
20	for trying to be helpful there. I almost got in	11:57:23
21	the way.	
22	MR. GOULD: It is okay. You at least --	
23	you at least removed all ambiguity.	
24	MR. SCHWING: I'm trying to get -- I'm	
25	trying to help us get through this.	11:57:31

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1	MR. GOULD: Yeah. Yeah. Yeah. No, it's	11:57:33
2	great. I appreciate it.	
3	Q. (By Mr. Gould) And this and the	
4	immediately previous spreadsheet show data for both	
5	the US and the rest of the world, correct?	11:57:49
6	A. That's correct.	
7	Q. Okay. And in creating this spreadsheet	
8	here, Facebook made an effort to avoid errors and	
9	omissions, correct?	
10	A. Correct.	11:58:04
11	Q. And in reviewing this spreadsheet, in	
12	advance of this deposition, did you discern any	
13	errors or omissions?	
14	A. I did not.	
15	MR. GOULD: Okay. Got it.	11:58:11
16	Moving on to 627, which is	
17	Bates number -03962695.	
18	(Exhibit 627 was marked for	
19	identification by the court reporter and is	
20	attached hereto.)	11:58:16
21	THE DEPONENT: Okay. I have it open.	
22	Q. (By Mr. Gould) The columns in this	
23	spreadsheet, correct?	
24	A. Correct.	
25	Q. The first is "year," correct?	11:58:33

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1	A. Yes.	11:58:35
2	Q. The second is "country"?	
3	A. Yes.	
4	Q. And the possible values under that column	
5	are rest of world or US, correct?	11:58:40
6	A. Correct.	
7	Q. And those are created using the criteria	
8	we spoke about earlier, correct?	
9	A. Correct.	
10	Q. Okay. And "video_state_type," this is	11:58:50
11	the same -- this has the same meaning as the	
12	"video_state_type" column we saw earlier, correct?	
13	A. That is correct.	
14	Q. Great.	
15	And then the final column says	11:59:05
16	"total_views_3s."	
17	Does this -- what does that show --	
18	A. That shows --	
19	Q. -- the last column?	
20	A. Yeah, that's a good question.	11:59:24
21	That shows the number of three-second	
22	video views for the given year, for the given	
23	country and "video_state_type" in aggregate.	
24	Q. And by "three-second video views," does	
25	that mean views where the viewer watched for	11:59:39

1	three seconds or more?	11:59:48
2	A. Correct.	
3	Q. And this measures videos on the	
4	Facebook Platform; is that correct?	
5	A. This measures three-second video views of	12:00:06
6	the -- on the -- of the videos on the	
7	Facebook Platform.	
8	Q. Thank you.	
9	A. Yeah.	
10	Q. Okay. And, again, this was -- this was	12:00:16
11	created by Facebook, yeah?	
12	This spreadsheet right here?	
13	A. Yes.	
14	Q. Okay. And in creating it, Facebook made	
15	an effort to avoid errors and omissions?	12:00:41
16	A. Yes.	
17	Q. And in reviewing it, did you discern any	
18	errors or omissions?	
19	A. I did not.	
20	Q. Okay. Moving on, we have just reviewed	12:00:49
21	spreadsheets containing a variety of metrics for	
22	video content, correct, Mr. Fahey?	
23	Sorry. Let me restate that.	
24	Putting aside the spreadsheet, we	
25	discussed that had -- that was about comments and	12:01:24

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1	likes, all of the spreadsheets we have viewed so	12:01:31
2	far measure -- measure various metrics related to	
3	video content only, correct?	
4	A. Yes, that's correct.	
5	Q. Okay. Are there other ways that Facebook	12:01:49
6	measures video content, that's delivered via the	
7	Facebook Platform, that do not appear in the	
8	documents we've gone over so far?	
9	MR. SCHWING: The question is vague.	
10	THE DEPONENT: That's pretty open-ended.	12:02:20
11	Could you be more specific about the kind of metric	
12	you're looking for.	
13	Q. (By Mr. Gould) Well, sitting here, can	
14	you think of any metric that, in your experience,	
15	you've seen applied to video content on the	12:02:45
16	Facebook Platform that we haven't spoken about thus	
17	far in this deposition?	
18	Please take your time.	
19	MR. SCHWING: The question is vague.	
20	THE DEPONENT: No.	12:03:25
21	Q. (By Mr. Gould) Okay. So does	
22	Facebook -- I'll be more specific now.	
23	Does Facebook have a way of measuring the	
24	amount of video-content-related data, the	
25	proportion of that, relative to the total amount of	12:03:53

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| 1 | data on the Facebook Platform? | 12:03:57 |

2   MR. SCHWING: Sorry --

3   THE DEPONENT: If you mean in

4   megabytes --

5   MR. SCHWING: I'm sorry, Mr. Fahey,   12:04:06

6   just -- sorry. You're quicker -- quicker than I

7   am.

8   THE DEPONENT: Sorry.

9   MR. SCHWING: The question is vague.

10   I apologize for interrupting you.   12:04:11

11   You can go ahead, if you understand.

12   Q.   (By Mr. Gould) Mr. Fahey, I'll -- just

13   for -- to make things easier, I'm going to restate

14   it.

15   Can Facebook measure the amount of data   12:04:28

16   that's related to video content on the

17   Facebook Platform, relative to the total amount of

18   data on the Facebook Platform?

19   MR. SCHWING: The question is vague.

20   THE DEPONENT: Could I maybe help?   12:04:54

21   Q.   (By Mr. Gould) Please. Please.

22   A.   Do you mean -- do you mean like -- do you

23   mean in terms --

24   Q.   I will take all the help I can get.

25   A.   Do you mean in terms of megabytes?   12:05:04

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1	Q. Yeah.	12:05:07
2	A. Is that what you mean?	
3	Q. Yeah.	
4	A. I would have to -- I would only be	
5	speculating. I am not aware --	12:05:13
6	Q. Okay.	
7	A. -- of anything related to that.	
8	Q. Does -- can Facebook measure the	
9	proportion out of the aggregate user time spent on	
10	the platform that users spend watching videos?	12:05:28
11	MR. SCHWING: Vague.	
12	THE DEPONENT: Are you asking if a value	
13	like column B from Bates number -2690,	
14	Exhibit 622 -- are you asking if that could be used	
15	as a numerator?	12:06:11
16	Q. (By Mr. Gould) Sure. Let's start there.	
17	Yes, that's what I mean.	
18	A. For that one, no.	
19	Let me take a look here. I might be in	
20	the wrong sheets.	12:06:40
21	Yeah. I'm -- I'm not -- you know, I'd	
22	have to -- I'd be speculating. I'm going through	
23	these sheets and I -- and I -- I think understand	
24	the question you're asking. And I could only	
25	speculate or guess. I'm not aware.	12:06:55

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1   Q.   How about -- go to Exhibit 621, if you   12:07:00

2   wouldn't mind --

3   A.   Sure.

4   Q.   -- which is Bates number, I believe,

5   -03962689?   12:07:09

6   A.   Correct.

7   Q.   Okay. And do you see column D there?

8   A.   Yeah, "watch_hours."

9   Q.   Could that be used as a numerator similar

10 to the way that you -- that we just discussed?   12:07:27

11   MR. SCHWING: The question is vague.

12   THE DEPONENT: Yeah, I'd only -- I could

13 only -- I could only speculate.

14   Q.   (By Mr. Gould) Do you know whether

15 Facebook measures the amount of time that users   12:07:45

16 spend on the Facebook Platform?

17   MR. SCHWING: Outside the scope.

18   THE DEPONENT: I do.

19   Q.   (By Mr. Gould) And does it keep track of

20 that?   12:08:11

21   MR. SCHWING: Same objection.

22   THE DEPONENT: We keep track of time

23 spent. But you asked as a proportion, and I would

24 spec- -- I would be speculating as to whether or

25 not those two numbers could be used at -- together.   12:08:38

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1	Q. (By Mr. Gould) Fair.	12:08:44
2	It is correct to say, however, that	
3	Facebook has the capacity to produce numbers	
4	showing the aggregate amount of time that all users	
5	spend on the Facebook Platform for a given year; is	12:09:10
6	that correct?	
7	MR. SCHWING: Outside the scope.	
8	THE DEPONENT: I would only be	
9	speculating at this point in time whether or not	
10	we -- we do or have produced that number.	12:09:30
11	Q. (By Mr. Gould) You testified that	
12	Facebook keeps track of time spent on the	
13	Facebook Platform; is that correct?	
14	A. That's correct.	
15	Q. And does Facebook store the raw data that	12:09:49
16	is produced by that measurement somewhere?	
17	A. I honestly don't know.	
18	Q. Does Facebook have a way of measuring how	
19	many videos are watched on Facebook -- on the	
20	Facebook Platform each day?	12:10:36
21	A. For Exhibit 621, are you asking if it's	
22	possible to produce a row that instead of being by	
23	year is a row by day?	
24	Q. Sure. Yes.	
25	A. Yes.	12:10:58

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```
1        Q.   Okay.  And here we're -- we talked            12:10:59

2    about -- actually, never mind.

3            So "watch_hours" by day is a -- is a

4    metric  that is possible -- that -- that Facebook

5    can produce, correct?                                  12:11:17

6        A.   Aggregate "watch_hours" by day --

7        Q.   Okay.

8        A.   -- for a very limited time frame and

9    recent time frame is something that can be

10   produced.                                              12:11:30

11       Q.   Okay.  And numbers of video uploaded by

12   day for a very recent time frame is something that

13   Facebook can produce, too, correct?

14       A.   I'm sorry.  Say that again, please.

15       Q.   Sure.                                          12:11:48

16           You testified that Facebook can produce

17   aggregate "watch_hours" by day for a very limited

18   time frame that is a recent time frame, correct?

19       A.   That's correct.

20       Q.   And can the numbers of videos uploaded by     12:12:14

21   day for a very limited time frame that is a recent

22   time frame likewise be produced?

23       A.   So I'm just trying to correlate your

24   question to one of these existing by year charts.

25       Q.   Take your time.                                12:12:43
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```
 1        A.   For that I would be speculating.          12:13:01

 2   That would -- that's not something I could -- I

 3   could say yes or no to.

 4        Q.   For the spreadsheets we have discussed so

 5   far, videos that are included in advertisements on    12:13:18

 6   the Facebook Platform have not been included in any

 7   of the numbers we have looked at, correct?

 8        A.   That's a great question.

 9        ████████████████████████████████

██   █████████████████████████████████████        ████████

██   ███████████

██          █████   ███████████████████████████

██   ██████████████████████

14        A.   Yeah.  Sorry for the -- for the term.

15        Q.   That's fine.                              12:14:10

██          ██████   ██████████████████████████

██   █████████████████████████████████████

██   ████████████████████████████████████

██   ████   ████████████████████████████████

██   ██████████████████████████████   █████████████        ████████████

██   ████████████████████████████████

22        Q.   And is it a different classification

23   because the video that is boosted was originally

24   uploaded for free to the Facebook Platform?

25        A.   I can't -- I can't speak to the -- the    12:15:11
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 1    intents.  I -- I think it's actually -- well, I'd        12:15:14

 2    be speculating, but I think it's a -- a leftover

 3    term from, you know, how the platform has evolved.

 4    The way I think of it is a boost in an ad is

 5    similar or the same.                                       12:15:29

 6        Q.   Let me give an example to see if I

 7    understand what this means.

 8             Suppose that Larry David uploads -- do

 9    you know who Larry David is?

10        A.   (Deponent nods head.)                             12:15:56

11        Q.   Okay.  Let's suppose that Larry David

12    uploads a video showing him buying cryptocurrency.

13    Let's say a cryptocurrency exchange wants to ensure

14    that people see that video -- or more people see

15    that video.                                                12:16:26

16             Would one way to do that be to boost that

17    video?

18             MR. SCHWING:  Outside the scope, insofar

19    as it relates to advertising.  There's another

20    witness for that.                                          12:16:41

21             THE DEPONENT:  I'd be -- I -- I would be

22    speculating on how that interplay between the

23    creator and the company would work.  I -- I don't

24    know the answer to that.

25             MR. GOULD:  Okay.                                 12:16:57
```

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```
 1              MR. SCHWING:  Ben, we've been going for a        12:17:13

 2    little over an hour.  Is this a good time for a

 3    break?

 4              MR. GOULD:  Sure.  Do you want to take a

 5    five- or ten-minute break?  I'm happy to do that.    12:17:20

 6              MR. SCHWING:  Okay.  And without holding

 7    you to anything hard and fast, do you have a sense

 8    of --

 9              MR. GOULD:  Oh, I would say -- I -- I

10    would say that we probably have an hour to go.       12:17:34

11              MR. SCHWING:  Okay.  All right.  That's

12    helpful.  I was just, you know --

13              MR. GOULD:  Yeah.

14              MR. SCHWING:  -- an approximation, and

15    we're trying to get other folks.  So that -- all     12:17:49

16    right.  Why don't we go ahead and take a break and

17    we'll be back in about ten.

18              THE VIDEOGRAPHER:  Okay.  We're off the

19    record.  It's 12:17 p.m.

20              (Recess taken.)                            12:20:52

21              THE VIDEOGRAPHER:  We're back on the

22    record.  It's 12:36 p.m.

23         Q.   (By Mr. Gould)  Mr. Fahey, I asked you

24    whether -- for any of the spreadsheets we have

25    discussed, whether video content that is included    12:37:01
```

1	in advertisements were included in the numbers that	12:37:09
2	we looked at.	
3	Do you remember that question?	
4	A. I do.	
5	Q. Okay. And your testimony was that the	12:37:17
6	counts of videos include videos that might have	
7	been boosted or used as an ad; is that correct?	
8	A. Say that again, please.	
9	Q. I think your testimony was -- and this	
10	might be a typo -- but the counts of videos include	12:37:47
11	videos that may have been boosted or used as an ad	
12	or used by an app. I don't --	
13	A. Ad. Ad. So --	
14	Q. Okay.	
15	A. Ad. So the count of videos includes	12:38:07
16	videos used as ads.	
17	Q. As ads.	
18	Do the videos that are counted -- well,	
19	let me ask this slightly differently.	
20	When we -- you talk about a video that	12:38:30
21	was used as an ad, what do you mean?	
22	A. I'm going to give you my best	
23	layperson --	
24	Q. Please.	
25	A. -- understanding. Ads are not my area of	12:38:51

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1	expertise.	12:38:53
2	If you have a video, a piece of creative	
3	content that you want to have shown in an	
4	advertisement, you can, as I understand it, create	
5	an advertisement and then use that video in that	12:39:14
6	advertisement. And if you use that video in the	
7	advertisement, regardless of whether you've used it	
8	in the advertisement or not, would be counted as a	
9	video.	
10	Q. I see.	12:39:28
11	And -- but in order to be counted as a	
12	video, it has to have had an independent existence	
13	outside the ad, correct?	
14	A. That's where you're pushing my	
15	understanding of how things work. I -- I don't	12:39:45
16	know the answer to that. That's -- that would be a	
17	better question for someone who knows the ad	
18	system.	
19	Q. The problem, of course, is that someone	
20	who knows the ad system may not know the metrics.	12:39:58
21	Is it fair to say, though, that your	
22	understanding of how the metrics regarding video	
23	content were created is that in order to be	
24	included in the video metrics, a video has to have	
25	had an independent existence on the	12:40:24

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```
 1    Facebook Platform outside of an ad?              12:40:27

 2            MR. SCHWING:  Objection.  Vague.

 3            THE DEPONENT:  The video counts are based

 4    on published videos.  I can't speak to any of the

 5    caveats that you -- you put forward related to ads   12:41:00

 6    or not.

 7        Q.   (By Mr. Gould)  Sure.

 8            Suppose that -- is a video that appears

 9    solely in an advertisement considered to be a

10    published video?                                 12:41:39

11        A.   A published -- whether or not a video was

12    published, the way I'm using the word "published,"

13    doesn't have any bearing on -- on ads or the ad

14    system.

15        Q.   What do you -- what do you mean by it     12:42:01

16    "doesn't have any bearing"?

17        A.    So if you think about the process by

18    which someone would choose to share a video, they

19    can upload the video without choosing to publish

20    it.  Meaning that it's been uploaded and it's     12:42:20

21    stored, but it is not available to anyone other

22    than the person who uploaded it.

23        Q.   So in order for a video to be

24    published -- well, let's talk about the ways in

25    which a video can be published.                   12:42:51
```

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```
 1              One of those ways is if a user uploads a        12:42:53

 2   video and then shares it with friends, correct?

 3        A.   If a user that is not -- that is --

 4   that -- when you say "user," do you mean somebody

 5   like yourself or myself, that kind.                        12:43:15

 6        Q.   Yeah.

 7        A.   If a user uploads a video, it will be

 8   published unless they have specifically set their

 9   privacy settings or their app settings to be

10   otherwise.                                                 12:43:43

11        Q.   What about if a user live streams a

12   video, is that -- does that fall -- live streams it

13   such that other Facebook users can watch it.

14              Does that come under the heading of

15   publishing a video?                                        12:44:09

16        A.   A live -- a stream is not going to be a

17   published video --

18        Q.   Got it.

19        A.    -- until it moves, as I understand it,

20   from live streaming -- "is_live_streaming" to              12:44:29

21   "was_live_streaming."  And then again permissions

22   need to be set as well.

23        Q.   If an organization or group with a

24   Facebook page uploads a video to their page, and

25   the privacy settings are such that other Facebook          12:45:00
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```
1    users that -- that -- that Facebook users can watch      12:45:03

2    it, is that -- does that fall under the heading of

3    pub- -- publishing the video?

4         A.    If a user uploads to a page the way you

5    described, yes.                                           12:45:19

6         Q.    Okay.  And -- well, by -- by user, are

7    you -- do you -- are you including organizations or

8    groups of Facebook pages?

9         A.    Yes.

10        Q.    Okay.  If a brand places an ad with           12:45:40

11   Facebook and that ad includes video content, is

12   that publishing a video?

13        A.    Going back to my caveat that I'm not an

14   expert on the ad system, if -- when you say

15   "brand," do you mean an organization or -- or a          12:46:21

16   user, or somebody -- what do you mean by "brand"?

17        Q.    J.C. Penney.  Boeing.

18        A.    Okay.

19        Q.    Sears.

20        A.    Sure.                                          12:46:32

21        Q.    Microsoft, whatever.

22        A.    If they upload a video to their page,

23   that's what I mean by published.

24        Q.    What if they don't upload it to the page

25   but simply place it as an ad with Facebook; is that      12:46:50
```

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1	publishing a video?	12:46:55
2	A. That starts to get into how the ad system	
3	works. I -- I couldn't speak to that process at	
4	all. Like the -- the way you're summarizing that,	
5	I couldn't speak to that.	12:47:07
6	Q. When a Facebook user uploads video	
7	content to the Facebook Platform, the	
8	Facebook Platform stores that video content	
9	somewhere, correct?	
10	A. Yes.	12:47:32
11	Q. Where does it store the video content?	
12	A. I don't mean to be difficult here. But	
13	when you say "where" --	
14	Q. Uh-huh.	
15	A. -- it gets stored in our infrastructure.	12:47:54
16	Q. And -- and where within the Facebook	
17	infrastructure is it stored?	
18	A. I -- I couldn't speak to physically	
19	where.	
20	Q. What about location in terms of	12:48:05
21	Facebook's systems, where in Facebook's systems is	
22	it stored?	
23	A. From a systems perspective, it's going to	
24	be stored on the back end of the Facebook Platform.	
25	Q. And when you say "back end of the	12:48:22

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```
 1    Facebook Platform," what does that include -- what      12:48:31

 2    systems does that include?

 3         A.   That includes -- there's a variety of

 4    systems.  But I think the one that you're looking

 5    for is a system called TAO.                             12:48:44

 6         Q.   And when Facebook stores uploaded video

 7    content, it's storing -- it's storing the video

 8    frames associated with that video, correct?

 9         A.   Are you asking how is a video stored?

10         Q.   Yes.  Sure.  Let's start there.               12:49:19

11              How is the video stored?

12         A.   I could not really speak to the mechanics

13    of how it's stored.

14         Q.   And --

15              MR. SCHWING:  Yeah, I'm just going to         12:49:37

16    insert a belated objection that this is outside of

17    the scope.  Mr. Fahey can talk about the user's --

18    kind of the infrastructure for the user's access,

19    and, you know, tracking of user's access

20    interactions.  But the storing of the actual video     12:49:50

21    is not something that is contemplated under

22    topic 9a or b.  And there will be another witness

23    with respect to advertising.

24         Q.   (By Mr. Gould)  Mr. Fahey, would you mind

25    going back to -- going back to Exhibit 330 for me.      12:50:14
```

1	I'm going to direct your attention to page 15.	12:50:34
2	Let me know when you're there.	
3	A. I'm on page 15.	
4	Q. Okay. And do you see at the very top of	
5	the page, it reads "b. the records or information	12:51:07
6	that Facebook has regarding such content and users'	
7	access to, interactions with or sharing of such	
8	content."	
9	You understand that that's one of the	
10	subtopics you were designated to testify on; is	12:51:24
11	that correct?	
12	A. Yes, I do.	
13	Q. Okay. And do you have any questions	
14	about what that means?	
15	A. Yes, I do.	12:51:38
16	Q. Okay. What questions do you have about	
17	what subtopic b means?	
18	A. What is meant by records or information.	
19	Q. Well, among other things, you know, what	
20	we meant was where and how video content is stored.	12:51:57
21	But let's -- let's put that aside for now.	
22	Are you -- let me just -- again, I don't	
23	want to waste anybody's time.	
24	Are you prepared to testify about how and	
25	where video content is stored on Facebook when --	12:52:19

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1	when -- when video content is uploaded to Facebook?	12:52:23
2	A. I'm prepared to testify about how we	
3	track and measure video.	
4	Q. Okay.	
5	A. And interactions and sharing.	12:52:37
6	Q. Okay. So you're -- you're not prepared	
7	to testify about storage of video content, correct?	
8	A. Correct. That's not my area of	
9	expertise.	
10	Q. Okay. Okay. So you wouldn't be able to	12:52:54
11	prepare -- you -- you wouldn't be prepared to	
12	testify about whether, say, comments on an uploaded	
13	video are one of the things that are stored along	
14	with the video content itself?	
15	A. I can say that comments for a video are	12:53:31
16	stored. What I can't say is how they are stored in	
17	relationship to the video.	
18	Q. And same with "likes," you wouldn't be	
19	able to testify about where they are stored or how	
20	they are stored in relation to the video content,	12:53:52
21	correct?	
22	A. Correct.	
23	Q. Okay. Are you prepared to testify about	
24	how video content is retrieved or made available to	
25	a user who views it?	12:54:24

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| 1 | A.   No. | 12:54:30 |

    2   Q.   Okay. Are you prepared to testify about

    3   how video content is retrieved or made available to

    4   a user who comments on it?

    5   A.   No.   12:54:47

    6   Q.   Are you prepared to testify about how

    7   video content is delivered to or made available to

    8   a user who shares it?

    9   MR. SCHWING: I'll just note that there

   10   is another witness who we've identified who can   12:55:12

   11   discuss how users are able to access video.

   12   David Miller will -- will be able to

   13   speak to that. Not necessarily the -- like the

   14   nitty-gritty technical storage issue. But if

   15   you're asking about, you know, video made available 12:55:35

   16   to users, he -- he can address that.

   17   So I wanted to just flag that. But if

   18   your questions are more sort of technical in

   19   nature, then...

   20   MR. GOULD: Okay. David Miller, who's   12:55:51

   21   designated to testify about subtopic c, will be

   22   able to discuss how users are able to access video?

   23   MR. SCHWING: Yeah. In terms of --

   24   right. I mean, there are different tabs in -- on

   25   Facebook you can see through watch or live or --   12:56:04

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```
 1    you know, and -- and how you could go about doing      12:56:06

 2    that.

 3              MR. GOULD:  Okay.

 4              MR. SCHWING:  If your questions are

 5    nitty-gritty technical questions --                    12:56:13

 6              MR. GOULD:  Okay.

 7              MR. SCHWING:  -- about where a video is

 8    stored, like -- you know, and how it works through,

 9    you know, an -- an edge server, or something like

10    that, I'm not sure why that would be relevant to       12:56:24

11    the case, but he wouldn't be able to do that.

12              I don't know why you would want to know

13    that, but we can -- we can chat with you about

14    that.  I just wanted to make sure that -- to -- to

15    try to be helpful in terms of, you know, Mr. Fahey     12:56:33

16    today and what he can cover versus other witnesses

17    that -- that I share that.

18         Q.   (By Mr. Gould)  Again, I don't want to

19    waste your time, Mr. Fahey.

20              So are you -- are you prepared to testify     12:56:51

21    about whether video content is stored, just the

22    fact of storage?

23         A.   As I mentioned before, yeah, I can say

24    that video is stored.  It -- it gets into --

25    the how is not my area of expertise.                   12:57:09
```

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1	I interpreted topic b as the -- as being	12:57:16
2	related to topic a. So the systems related to the	
3	counts. The systems related to the numbers and the	
4	metrics that are produced. So that's what I	
5	prepared for today.	12:57:29
6	Q. Got it.	
7	Are you aware of any time during which	
8	video content was capable of being uploaded to the	
9	Facebook Platform where uploaded videos were not	
10	stored?	12:57:49
11	A. I couldn't speak to that one way or the	
12	other because that predates my time here.	
13	Q. Okay. During your tenure at Facebook,	
14	i.e., since 2014, are you aware of any time during	
15	which videos uploaded to the Facebook Platform were	12:58:09
16	not stored?	
17	A. My definition for upload implies storage.	
18	So if the video was uploaded, it would have been	
19	de facto stored.	
20	Q. In other words, storage is inherently a	12:58:37
21	part of uploading, correct?	
22	A. Correct, because if it was not -- if it	
23	was a failed upload, it would not have been stored.	
24	Q. Fabulous.	
25	If video is live streamed and then saved	12:58:58

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1	to the Facebook Platform, that saving likewise	12:59:01
2	inherently involves storage, correct?	
3	A. That saving process effectively is	
4	another upload -- is another upload process, yes.	
5	Q. So every time video content that has been	12:59:20
6	live streamed is saved to the Facebook Platform, it	
7	is stored?	
8	A. Not my area of expertise. And the reason	
9	I'm equivocating here is because you said "every	
10	time," and I would be speculating.	12:59:43
11	Q. Can you imagine a situation in which	
12	video is live streamed and then stored -- excuse	
13	me -- then saved to the Facebook Platform and is	
14	not stored somewhere in Facebook's systems?	
15	A. I'd have to -- that's not my area of	01:00:04
16	expertise. That -- that starts getting into how a	
17	product works. It's just really outside of that.	
18	Q. Okay.	
19	A. It's really -- it's really outside of	
20	what I know.	01:00:15
21	Q. Okay. Are you prepared to -- to testify	
22	about whether or not "comments" and "likes," or	
23	other interactions with video content, whether that	
24	is -- that data is stored?	
25	A. Yes, that data is stored.	01:00:50

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1   Q.   Great. Okay.   01:00:52

2   Does Facebook store information about

3   which users watch a piece of video content?

4   A.   Can you be more specific or provide an

5   example?   01:01:12

6   Q.   Sure.

7   Suppose that ten Facebook users watch a

8   video one of their friends has uploaded, are the

9   names and user ID numbers of those watchers stored

10   somewhere on Facebook's systems as having watched 01:01:40

11   the video?

12   MR. SCHWING: The question is vague.

13   THE DEPONENT: Facebook stores tracks if

14   someone has commented or -- and I think that was

15   the phrase you used, right, was "commented"?   01:02:18

16   Did you say "liked"?

17   Q.   (By Mr. Gould) I'm -- I'm -- no, I'm

18   talking about watching.

19   Does Facebook track whether users watch a

20   video that's been uploaded to the platform?   01:02:27

21   A.   Yes.

22   Q.   And is the name of the Facebook user who

23   has watched the uploaded video stored by Facebook?

24   A.   I don't know the answer to that.

25   Q.   Is the I- -- is the user ID number of the 01:03:02

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1   Facebook user who watches the video stored by   01:03:03

2   Facebook?

3   A.   I don't know the answer to that either.

4   Q.   Are the aggregate numbers of persons who

5   have watched a video stored by Facebook?   01:03:20

6   A.   Say that again, please.

7   Q.   The -- are the aggregate numbers of the

8   persons who have so far watched a video stored by

9   Facebook?

10   A.   Aggregate numbers are stored by what's --   01:03:36

11   aggregation. We've -- we've seen a few, but I --

12   I'm not sure which specific aggregation you're

13   talking about.

14   Q.   Well, in this case, I'm just talking

15   about the number of Facebook users who -- who watch   01:04:00

16   a video.

17   That -- that is stored, correct?

18   A.   Total video -- total number of people who

19   watched a specific video.

20   Q.   That is stored, correct?   01:04:14

21   A.   That is stored, yes.

22   Q.   And total amount of time that people have

23   watched a specific video is also stored, correct?

24   A.   Correct.

25   Q.   And the number of persons who have   01:04:43

```
 1   watched a video for three or more seconds is also        01:04:45

 2   stored, correct?

 3        A.   That is correct.

 4        Q.   Are the number of persons who have liked

 5   a video stored?                                           01:05:10

 6        A.   I don't know that it's stored as "likes."

 7   It might be stored as reactions.

 8        Q.   And reactions -- can you tell me what is

 9   included in the category of reactions?

10        A.   It is -- there is -- I can't say              01:05:43

11   specifically.

12             An example would be a like.  Another

13   example might be a smiley face, an emoji.

14        Q.   Reactions of that kind --

15        A.   Correct.                                        01:05:53

16        Q.   -- in essence, yes?

17             So -- okay.  Reactions of that kind

18   are -- reactions of that kind to videos are stored

19   by Facebook, correct, the number of those

20   reactions?                                                01:06:12

21        A.   The number of reactions to a video in

22   aggregate are stored.

23             MR. GOULD:  Mr. Schwing, I think if we

24   take a quick two- or three-minute break, we will

25   probably be able to finish up very quickly               01:06:33
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```
 1   thereafter.                                      01:06:35

 2          Okay?

 3          MR. SCHWING:  Okay.  Why don't we take --

 4   why don't we take a short break and we'll be back.

 5          MR. GOULD:  Thanks.                        01:06:42

 6          THE VIDEOGRAPHER:  Okay.  Off the record.

 7   It's 1:06 p.m.

 8          (Recess taken.)

 9          THE VIDEOGRAPHER:  We're back on the

10   record.  It's 1:19 p.m.                           01:19:49

11      Q.   (By Mr. Gould)  We have talked about what

12   Facebook tracks on its platform, correct?

13      A.   Correct.

14      Q.   What I want to know is, you know, do you

15   know whether Facebook tracks access to video       01:20:10

16   content by third parties?

17      A.   I don't.

18          MR. SCHWING:  It's outside the scope.

19      Q.   (By Mr. Gould)  So tell me if this is a

20   fair understanding of -- of -- of what you have    01:20:30

21   been prepared to testify about today.

22          As I understand it, you prepared to

23   testify today, and are prepared to testify today,

24   about the metrics related to user access to video

25   content, correct?                                 01:20:55
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1	A. That's topic 9a, correct, that you	01:21:00
2	just --	
3	Q. Yeah. I mean -- yes, that's in -- in my	
4	view, it's included in 9a.	
5	But what I want to know is I -- I just	01:21:08
6	want to know what -- what -- putting aside,	
7	you know -- the -- the notice of deposition, I just	
8	want to know the answer to what you are and are not	
9	prepared to testify about today. So let me just	
10	reask the question.	01:21:22
11	You are prepared to testify today about	
12	metrics related to user access to video content,	
13	correct?	
14	A. Metrics related to user access.	
15	I'm prepared to -- to talk about metrics	01:21:40
16	related to video. You'd have to be more specific	
17	when you say -- when you get into user access.	
18	Q. By "user access," I mean user -- the	
19	amount of time users have spent watching videos,	
20	the numbers of users who have watched videos, the	01:22:03
21	interactions by viewers to -- to -- by users to --	
22	to videos. That's the heading under which I would	
23	put "user access."	
24	Did -- so -- so that's what I mean by	
25	"user access."	01:22:25

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1	Is that -- is that fairly clear?	01:22:26
2	A. That is clear.	
3	Q. Okay. So under that definition of user	
4	access, you are testi- -- you are prepared to	
5	testify about metrics related to user access,	01:22:33
6	correct -- to video content, correct?	
7	A. I'm prepared to -- to speak about metrics	
8	related to video content.	
9	The metrics we've gone through are --	
10	like "watch_time" are all aggregated. So I -- I'm	01:22:47
11	prepared to talk about those numbers. But I'm not	
12	prepared to talk about any specific numbers at a	
13	user level.	
14	Q. Sure.	
15	You're prepared to testify about	01:23:01
16	aggregated metrics related to user access to video	
17	content, correct?	
18	A. Yes.	
19	Q. You are prepared to testify about metrics	
20	related to the aggregate amount of video content,	01:23:21
21	correct?	
22	A. Correct.	
23	Q. You are prepared to testify about the	
24	systems that are used to produce the -- these	
25	metrics, correct?	01:23:56

1	A. Correct.	01:24:01
2	Q. So I just -- I -- I just want to	
3	understand. Okay.	
4	We've talked about three things you're	
5	prepared to testify about.	01:24:10
6	You're prepared to testify about	
7	aggregated metrics related to user access to video	
8	content.	
9	You're prepared to testify about metrics	
10	related to the aggregate amount of video content.	01:24:18
11	And you're prepared to testify about the	
12	systems that are used to produce those metrics,	
13	correct?	
14	A. Yes.	
15	Q. Is there anything else that you prepared	01:24:31
16	to testify about today?	
17	A. No.	
18	MR. GOULD: Okay. I think that does it,	
19	except for --	
20	Q. (By Mr. Gould) So during your testimony,	01:24:53
21	have you consulted with anybody about the substance	
22	of your testimony?	
23	A. No.	
24	Q. And during this deposition, including	
25	during breaks, has anyone communicated to you about	01:25:06

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 1    the substance of your testimony?                      01:25:09

 2            MR. SCHWING:  Are you talking about other

 3    than attorneys?

 4            MR. GOULD:  I'm -- I'm including

 5    attorneys, yes.                                        01:25:19

 6            MR. SCHWING:  All right.  Well, I'll

 7    instruct the witness not divulge any

 8    attorney-client privileged communications that may

 9    or may not have happened.

10            But if you spoke with anybody else, you        01:25:29

11    can answer that question.

12        Q.   (By Mr. Gould)  Mr. Fahey, I'm not asking

13    about the substance of anyone -- anything anyone

14    may have said to you.

15            What I'm asking about is that -- is           01:25:38

16    during your deposition today has -- including

17    during breaks -- has anyone communicated to you

18    about the substance of your testimony?

19            MR.  SCHWING:  And the witness is not

20    going to reveal any communications or the nature of   01:25:50

21    any communications he had with attorneys.  But if

22    he spoke with a nonattorney, you can ask that.

23        Q.   (By Mr. Gould)  Do you want me to reask

24    the question, Mr. Fahey?

25            I'm sorry.                                     01:26:14
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1	SPECIAL MASTER GARRIE: Can I make a	01:26:17
2	suggestion?	
3	MR. GOULD: Yeah, of course.	
4	SPECIAL MASTER GARRIE: Well, Mr. Fahey,	
5	do you have a question about privilege right now?	01:26:20
6	THE DEPONENT: I do.	
7	SPECIAL MASTER GARRIE: Okay. So here's	
8	what's going to happen.	
9	We're going to go off the record.	
10	Counsel Schwing, you're going to take five minutes	01:26:28
11	and explain to Mr. Fahey -- let's go off the	
12	record. Strike what I just said. Let's just go	
13	off the record, please.	
14	THE VIDEOGRAPHER: Okay. We're off the	
15	record. It's 1:26 p.m.	01:26:41
16	(Recess taken.)	
17	THE VIDEOGRAPHER: We're back on the	
18	record. It's 1:33 p.m.	
19	MR. GOULD: I'll just reask the question	
20	again just to make sure we all understand each	01:33:17
21	other.	
22	Q. (By Mr. Gould) During this deposition,	
23	including during breaks, has anyone communicated to	
24	you about the content and substance of your	
25	testimony?	01:33:31

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1	A. No.	01:33:33
2	MR. GOULD: Thank you. That does it for	
3	me. Appreciate it.	
4	SPECIAL MASTER GARRIE: Counsel Schwing,	
5	any redirect?	01:33:45
6	MR. SCHWING: No.	
7	SPECIAL MASTER GARRIE: We will go -- oh,	
8	do you want to designate this transcript?	
9	MR. SCHWING: Yeah. We'll designate the	
10	transcript as "Highly Confidential."	01:33:54
11	I think what we've been doing in the --	
12	with other depositions is the witness, once we get	
13	the transcript, will have 45 days to review it and	
14	make any changes.	
15	Is that acceptable?	01:34:09
16	SPECIAL MASTER GARRIE: So noted -- so	
17	noted for the record.	
18	Counsel Gould, you're finished, so I'll	
19	leave it to the parties if, you want to let the	
20	witness go, and we can --	01:34:21
21	MR. GOULD: Since Mr. Fahey isn't	
22	testifying about subtopics c or d, I think he can	
23	go.	
24	MR. SCHWING: Yeah.	
25	SPECIAL MASTER GARRIE: Well,	01:34:40

```
 1    Mr. Fahey --                                        01:34:40

 2              THE DEPONENT:  I can hang up.

 3              MR. SCHWING:  Yeah.  Thank you,

 4    Mr. Fahey.

 5              SPECIAL MASTER GARRIE:  We'll go off the    01:34:45

 6    record.

 7              THE VIDEOGRAPHER:  Okay.  We're off the

 8    record.  It's 1:34 p.m.

 9              (TIME NOTED:  1:34 p.m.)

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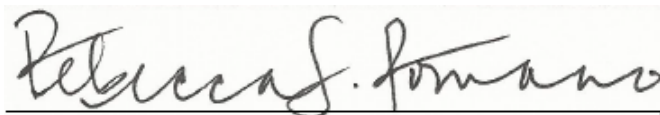
```
 1        I, Rebecca L. Romano, a Registered

 2   Professional Reporter, Certified Shorthand

 3   Reporter, Certified Court Reporter, do hereby

 4   certify:

 5        That the foregoing proceedings were taken

 6   before me remotely at the time and place herein set

 7   forth; that any deponents in the foregoing

 8   proceedings, prior to testifying, were administered

 9   an oath; that a record of the proceedings was made

10   by me using machine shorthand which was thereafter

11   transcribed under my direction; that the foregoing

12   transcript is true record of the testimony given.

13        Further, that if the foregoing pertains to the

14   original transcript of a deposition in a Federal

15   Case, before completion of the proceedings, review

16   of the transcript [X] was [ ] was not requested.

17        I further certify I am neither financially

18   interested in the action nor a relative or employee

19   of any attorney or any party to this action.

20        IN WITNESS WHEREOF, I have this date

21   subscribed my name this 26th day of July, 2022.

22

23        _____

24        Rebecca L. Romano, RPR, CCR

25        CSR. No 12546
```

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 1   RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION

 2   MICHAEL FAHEY (JOB NO. 5300517)

 3               E R R A T A   S H E E T

 4   PAGE__16__ LINE__2___ CHANGE_____"Shweta Metkar" to_____

 5   _"Shweta Medhekar"_____

 6   REASON__Typo_____

 7   PAGE__16__ LINE__2___ CHANGE__"Gee" to "Ji"_____

 8   _____

 9   REASON_Typo_____

10   PAGE__24__ LINE_7___ CHANGE__"a" to "an"_____

11   _____

12   REASON_Misspoke_____

13   PAGE_29__ LINE_21__ CHANGE_[REDACTED]_____

14   [REDACTED]_____

15   REASON__Mistranscription_____

16   PAGE__30_ LINE__9__ CHANGE____"a average" to "an average"___

17   _____

18   REASON_Misspoke_____

19   PAGE_70__ LINE_22-24 CHANGE__"Q. Okay. And this spreadsheet
     has two columns, yeah?" to "Q.  Okay.  And this spreadsheet
20   has two columns, yeah?  A. Yes."_____

21   REASON_Mistranscription (deponent's "yes" is audible in
              the deposition video)
22
                                        09-Sep-22 | 21:00 PDT
23   _____Michael Fahey_____   _____

24   MICHAEL FAHEY                              Date

25
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<div align="center">HIGHLY CONFIDENTIAL</div>

```
 1 │ RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION

 2 │ MICHAEL FAHEY (JOB NO. 5300517)

 3 │          E R R A T A   S H E E T

 4 │ PAGE__70___ LINE__22-24_ CHANGE___"The first is "year," right?"

 5 │  to "Q.  The first is "year," right?"_____

 6 │ REASON_Mistranscription_____

 7 │ PAGE__86___ LINE__8____ CHANGE__"we count it as" rather than

 8 │  "would be counted as"_____

 9 │ REASON_Mistranscription_____

10 │ PAGE_____ LINE_____ CHANGE_____

11 │ _____

12 │ REASON_____

13 │ PAGE_____ LINE_____ CHANGE_____

14 │ _____

15 │ REASON_____

16 │ PAGE_____ LINE_____ CHANGE_____

17 │ _____

18 │ REASON_____

19 │ PAGE_____ LINE_____ CHANGE_____

20 │ _____

21 │ REASON_____

22 │

23 │ _____        09-Sep-22 | 21:00 PDT
   │         Michael Fahey                  _____

24 │ MICHAEL FAHEY                           Date

25 │
```

<div align="right">Page 113</div>

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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